

09/10 Year

Module Code	Module Title	Credits	Grade/Result
PSYC 30002	Biopsychosocial Aspects of Pain	20	58
PSYC 99990	STUDY SKILLS	0	
PSYC 30131	Critical Social Psychology	20	64
PSYC 30920	Project	40	72
HSTM 40332	Madness and Society	20	73
PSYC 30661	Cognitive Neuroscience of Memory	20	58

END OF TRANSCRIPT**Date Produced:** 02 July 2010



ACADEMIC CREDENTIALS REPORT

Name	Ms. Emily Landry	FCSA ID	89668
DOB	06/26/1989	Report Date	08/29/2016
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U.S. Equivalence

Bachelor of Science in Psychology

U.S. Semester Hours / GPA

Undergraduate	96 Hrs / 3.44
Upper division	65 Hrs / 3.45

Credentials

1	U.S. equivalency	Bachelor of Science in Psychology
	Country	United Kingdom
	Credential	Bachelor of Science in Psychology
	Institution	The University of Manchester
	Date awarded	June 25, 2010
	Length of program	Standard is 3 years
	Documents viewed	Photocopy of a transcript and an award of degree

William J. Paver, Director
Foreign Credentials Service of America

See last page for information on FCSA and the standards and practices used in this report.
Report is valid only if raised FCSA seal is affixed to each page.

EVALUATION NOTES

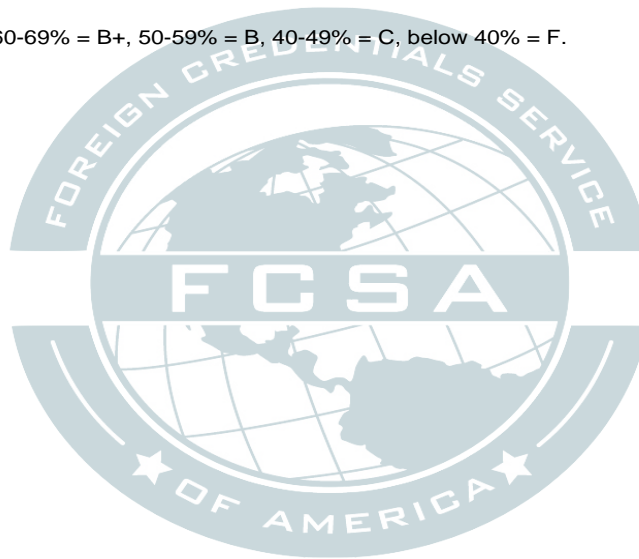
Name	Ms. Emily Landry	FCSA ID	89668
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NOTES

Undergraduate GPA: 3.44
Undergraduate Credits: 96

Grading Scale:

70-100% = A, 60-69% = B+, 50-59% = B, 40-49% = C, below 40% = F.



TRANSCRIPT REPORT

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UNDERGRADUATE

INSTITUTIONS / DATES / SUBJECTS	HOURS	GRADE
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The University of Manchester, 2007 - 2010

First Year, 2007 - 2008

Group Working & Communication Skills - COM 2003	3.0	B+
Intro to Brain & Behavior - PSY 2003	3.0	A
Research Methods & Empirical Work (Labs) - PSY 2005 & 2005	10.0	B+
Statistics & Research Design - PSY 2003	3.0	B+
Social Psychology, Health Psychology & Psychology of Mental Health - PSY 2003	3.0	B+
Perception & Cognition - PSY 2003	3.0	B
Developmental & Evolutionary Psychology - PSY 2003	3.0	A
Personal Study Module - PSY 2003	3.0	B+

Total : 31.00

Second Year, 2008 - 2009

Leadership in Action Unit - LDR 3003	3.0	B+	(ADV)
Statistics & Data Analysis - STA 3003	3.0	B+	(ADV)
Developmental Psychology & Cognition - PSY 3003	3.0	B	(ADV)
Personal Study Module I - PSY 3003	3.0	A	(ADV)
Social Psychology, Psychology & Mental Health - PSY 3003	3.0	B+	(ADV)
Language & Communication & Perception	3.0	B	(ADV)
Conceptual & Historical Issues in Psychology - PSY 3003	3.0	B	(ADV)
Cognitive Neuroscience - PSY 3003	3.0	B+	(ADV)
Individual Differences: Personality & Intelligence - PSY 3003	3.0	A	(ADV)

Empirical Works & Research Methods - PSY 3003	8.0	B+	(ADV)
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Total : 35.00

Third Year, 2009 - 2010

Biopsychosocial Aspects of Pain - PSY 4005	5.0	B	(ADV)
Critical Social Psychology - PSY 4005	5.0	B+	(ADV)
Project - PSY 4005 & 4005	10.0	A	(ADV)
Madness & Society - PSY 4005	5.0	A	(ADV)

TRANSCRIPT REPORT

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INSTITUTIONS / DATES / SUBJECTS	HOURS	GRADE	
Cognitive Neuroscience of Memory - PSY 4005	5.0	B	(ADV)
Total :	30.00		

Undergraduate Total Hours = 96
Undergraduate GPA = 3.44

Upper Level Total Hours = 65
Upper Level GPA = 3.45



REFERENCES

Name	Ms. Emily Landry	FCSA ID	89668
DOB	06/26/1989	Report Date	08/29/2016
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Paver, William J. ed., Handbook on the Placement of Foreign Graduate Students, 1990 Edition, NAFSA, Washington, D.C.

American Association of Collegiate Registrars and Admissions Officers (AACRAO). Electronic Database for Global Education (EDGE) - 2014. <http://aacroedge.aacrao.org>.



FOREIGN CREDENTIALS SERVICES OF AMERICA

1910 Justin Lane Austin, Texas 78757
512.459.8428 fax 512.459.4565

info@foreigncredentials.org www.foreigncredentials.org

Foreign Credentials Service of America (FCSA) is a private organization, founded in 1987, designed to provide timely and accurate assessments of the academic qualifications of persons who have completed all or part of their education outside the United States.

Wm. J. Paver, Director. Ph.D. in Higher Educ./Admin. (Washington State Univ.) • Asst. Dean of Graduate Studies & Assoc. Dir. of Admissions, The University of Texas at Austin (1979 - 2001) • Member Board of Directors NAFSA, The Association of International Educators • Member of the Board of Directors, AACRAO • Consultant to the Immigration & Naturalization Service (INS) & task force member on implementation of 1996 federal immigration legislation (1995 - present) • Member of the Policy Council for the Test of English as a Foreign Language (TOEFL) Service (1995 - 98) • Chair of TOEFL Technology Committee, member of TOEFL Outreach & Services Committee, and member of TOEFL Finance Committee (1995 - 98) • Chair of AACRAO steering committee on joint U.S. - Russian academic credential evaluation publication (1997 - present) • Vice-Pres. of International Educ., AACRAO (1994 -97) • Member of NAFSA, National Admissions Section (ADSEC) Team, 1982-84 Chair, 1986. • Member (1980) & Chair (1984-87) of the Interassociational Committee on Data Collection (ICDC). • Member of Projects in International Educational Research (PIER), 1987-88. • Author & Editor of two publications: Handbook on the Placement of Foreign Graduate Students and, Post-Secondary Institutions of the Peoples Republic of China: A Comprehensive Guide to Institutions of Higher Education in China AACRAO, American Association of College Registrars and Admissions Officers, is the oldest and largest professional organization for admission officers in the United States, with an institutional membership consisting of over 2,500 colleges and universities. Its World Education Series (WES) and Projects in International Education Research (PIER) are the standards in the area of foreign credential evaluation.

Dr. Paver is the Director of the AACRAO EDGE project.

The Monterey office opened in 2008 and serves colleges and universities, licensing boards, immigration attorneys and individual clients in the region. Mr. Johnny Johnson, Director of our Monterey office, brings 35 years of experience in every type of U.S. higher education institution, including a liberal arts college, research university, major medical center, and, most recently, Monterey Peninsula College, which is one of the 109 California Community Colleges. In addition to being an expert in foreign educational systems, Mr. Johnson has teaching, counseling, academic advising, and enrollment management experience. He has also lived abroad for eight years, travelled to 75 countries and held teaching and higher education administrative positions in Asia and the Caribbean. Mr. Johnson has served on the boards of AACRAO, NAFSA, and California Colleges for International Education (CCIE), as a vice president in all three associations.

ABOUT FCSA EVALUATIONS

FCSA evaluations are based on standards and practices recommended by the National Council for the Evaluation of Foreign Credentials (CEC), standards adopted by one of America's largest universities, and placement recommendation contained in the American Association of Collegiate Registrars and Admission Officers (AACRAO) Electronic Database for Global Education (EDGE). FCSA maintains a comprehensive library of materials associated with the evaluation of foreign and domestic credentials. Evaluations are subject to the policies of the receiving institution.

Transfer credit on FCSA evaluations is reported in semester hours as awarded by universities accredited by a US regional accrediting association or recognized by the Provincial Ministry of Education. Transfer equivalency recommendations are subject to the transfer credit practices of the receiving institution.

Grades on FCSA evaluations are notated using the standard U.S. four-point scale: A=4, B=3, C=2, D=1, F=0. A "P" in the grade column indicates the class was passed and no grade assigned. "ADV" in the grade column indicates upper-division undergraduate credit.

University of Houston Law Center

4170 Martin Luther King Blvd., Room 341M
Houston, Texas 77204-6060

June 19, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

I am writing to enthusiastically recommend Emily Landry for a judicial clerkship. I have taught Emily in both Evidence and an upper-level writing course called Federal Pretrial Drafting. In each instance I have witnessed Emily's exceptional critical thinking skills, her dedication to identifying even the most obscure legal issues, her inspiring work ethic, and her friendly demeanor. She will make an outstanding addition to your chambers.

From the outset, in Evidence class, it was evident that Emily possessed a rare combination of intellectual acuity and analytical prowess. She asked thoughtful and inciteful questions. And when others were stumped by the hypothetical of the day, I knew I could count on Emily to pull them across the proverbial Socratic finish line. She has a way about her that is unassuming, yet Emily was always well-prepared and willing to answer a series of questions that imparted the necessary information to the class in a manner they could understand.

Emily continued this trend in Federal Pretrial Drafting. In this class, we follow one diversity case through the litigation process. Students begin by drafting pleadings. They then draft discovery requests and responses, evidentiary motions, a motion for summary judgment and accompanying reply, and a mediation memorandum. The class is fast-paced and requires attention to detail. Emily excelled. Throughout, she demonstrated a remarkable aptitude for critical thinking and legal reasoning, and her writing reflected this. She dissected complex legal issues and presented cogent arguments with clarity and precision, and her legal citation was spot on.

Further, one of the most commendable aspects of Emily's character is her indefatigable work ethic. She approaches every task with dedication and an unrelenting pursuit of perfection. Emily consistently went above and beyond the requirements of each course I taught, investing hours in meticulous preparation and painstakingly reviewing every detail to ensure the highest quality work product. This level of commitment, coupled with her exceptional time management skills, allowed her to consistently deliver assignments of the highest caliber.

Throughout our interactions, I have also come to admire Emily's collaborative spirit and her ability to work effectively in teams. Her classmates both like and respect her and I found her to be a reliable ally in class, even when teaching the most complicated of concepts.

For all of these reasons I wholeheartedly recommend Emily for a judicial clerkship. She demonstrates outstanding critical thinking skills and exceptional work ethic, and Emily's writing style is concise, articulate, and exhibits a level of maturity well beyond her years. I am confident that she will excel in any tasks assigned to her and make valuable contributions to the Court.

If you require any additional information or wish to discuss Emily's aptitude for this clerkship, please do not hesitate to contact me by email at kbrem@uh.edu, or by telephone at 713.743.5945.

Very truly yours,

KBBrem

Katherine Butler Brem
Clinical Professor of Law

Katherine Brem - kbrem@central.uh.edu - (713) 743-5945

June 26, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

I write with enthusiasm to recommend Emily Landry for a judicial clerkship with you after her graduation from the University of Houston Law Center in May 2024. My recommendation is based on my assessment of (1) her writing abilities, (2) her passion for government public service work, and (3) her gracious personality. Below I'll briefly add a little color to all three of these strengths.

Intellect. My initial impressions of Ms. Landry's writing abilities came from having her as a student in a small 1L class (Procedure). Even in that initial course she showed a very high capability for effective legal writing. She earned one of only five A grades (out of 45 students). That initial impression was then reinforced more deeply last semester when I reviewed a writing project she worked on. The topic was litigation-related (which is why she came to me) and I can report that her work was very high quality. In short, I think it is likely that you would be getting a very strong researcher and writer with Ms. Landry.

Passion for government public service. Ms. Landry is committed to governmental public service. She's interned for the Harris County Attorney's Office and is about to start a clerkship this summer with Judge Jeff Brown. Long term, her goal is to work in the Department of Justice's Honors Program. In this regard, a post-graduate judicial clerkship would be a natural fit for her.

Personality. Finally, I'll say that she's a pleasure to be around. Always polite and seems to be imbued with an earnest humility and sincere respect for everyone around her. I would expect that Ms. Landry would be a seamless addition to your chambers.

If there is any additional information you need from me, please do not hesitate to reach out. My direct phone is (713) 743-5206; email is lhoffman@uh.edu.

Sincerely,

Lonny Hoffman

Law Foundation Professor

Lonny Hoffman - lhoffman@central.uh.edu - 713.743.1896

June 19, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

It is with great pleasure that I write to recommend Emily Landry for a clerkship with the court. Ms. Landry is highly intelligent, and an excellent writer and I am certain she would be an outstanding clerk.

I am a Clinical Professor at the University of Houston Law Center and have been a law professor for 25 years. Ms. Landry was a student in my Employment Law course in the spring of 2023. She received an A and the highest score in the course. In fact, Ms. Landry achieved one of the highest grades on my exam in the 15 years I have been teaching the course.

The Employment Law course is unique in that there is a considerable amount of writing, with students required to submit 30-40 short answer essay responses to various types of hypotheticals and several longform essays. Ms. Landry excelled on these questions and provided responses with an in-depth treatment of the law and facts. Further, she routinely went above and beyond what was required for credit and examined the political and societal impact of the law or a proposed change in the law. Through her responses, Ms. Landry demonstrated both outstanding written legal communication skills and the intellectual capability for deep legal analysis.

Again, it is without hesitation that I recommend Emily Landry for this position. Please contact me if you need anything further.

Sincerely,
/S/
Kenneth R. Swift

Kenneth Swift - krs swift@central.uh.edu - +17137438424

WRITING SAMPLE

Emily Landry
75 W. Sandalbranch Circle
The Woodlands, Texas 77382
ellandry@cougarnet.uh.edu

In April 2023, I prepared the attached Reply in Support of Summary Judgment in my Federal Pre-Trial Drafting class. The reply brief was in support of summary judgment in favor of a defendant who had been sued for negligence by the estate of the defendant's deceased employee. The employee had died due to injuries he sustained during the course of his employment with the defendant.

The civil action number, parties, facts, named individuals, and addresses contained in the motion are entirely fictional. For purposes of grading confidentiality, I was required to sign the motion using the name of a fictional attorney and a fictional law firm representing the defendant. Accordingly, my name is not listed anywhere on the motion.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SALLY JACKSON, Individually and as	§	
Representative of the Estate of	§	
JAKE FIELDS, and BLADE FIELDS,	§	
	§	
<i>Plaintiffs,</i>	§	CIVIL ACTION NO. 4:22-CV-021415
	§	
VS.	§	JURY
	§	
PRIDE CHEMICALS, INC., and	§	
COLEMAN INDUSTRIES, INC.,	§	
	§	
<i>Defendants.</i>	§	

**DEFENDANT COLEMAN INDUSTRIES, INC.’S
REPLY IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT**

Defendant Coleman Industries, Inc., (“Coleman”) files this Reply in Support of its Motion for Summary Judgment and, in support, would show the Court the following:

I. SUMMARY OF THE REPLY

Aside from its questionable attempt to make psychiatric diagnoses, Fields’ response completely distorts the issues by bombarding Coleman with irrelevant facts, introducing new claims that he did not plead in his petition, ignoring uncontroverted evidence, and misapplying the law. To be clear, Coleman’s motion has never been about the merits of Fields’ negligence claim, which are *not* at issue before this Court.

The Court should grant Coleman’s motion for summary judgment for two reasons:

- (1) Coleman did not owe a duty to Fields; and, or in the alternative,
- (2) Fields was Coleman’s borrowed employee for purposes of the Texas Workers’ Compensation Act (the “Act”).

Because Fields' response fails to provide any competent evidence sufficient to raise a genuine issue of material fact on either issue, Coleman is entitled to summary judgment as a matter of law.

IV. ARGUMENTS & AUTHORITIES

Coleman wins on the issues presented for two reasons.

First, Fields waived his argument that Coleman affirmatively undertook a duty to Fields because he failed to raise it in his live pleadings. Instead, he ambushed Coleman by raising this argument for the very first time in his response. This is improper and extremely prejudicial to Coleman.

Second, Coleman correctly applied the right-of-control tests for each issue in their appropriate contexts. Fields, on the other hand, mistakenly conflates the two analyses as one in the same. In doing so, Fields fatally overlooks that the inquiry of control serves one purpose under the duty issue and a totally different purpose under the Act. *Wingfoot Enters. v. Alvarado*, 111 S.W.3d 134, 146 (Tex. 2003) (explaining that determining employment status for workers compensation purposes is not the same thing as determining employment status for a negligence claim). *See also Waste Mgmt. of Tex. v. Stevenson*, 622 S.W.3d 273, 281 & n.4 (Tex. 2020) ("the two inquiries serve different purposes and can diverge to some extent in the dual-employment context.").

Although "it is no doubt true in many cases that the two inquiries will look identical", the Court must review them within their proper contexts. *Id.* The control test to determine duty in a common-law negligence claim attempts to impose liability, whereas the Act does not. *Garza v. Exel Logistics, Inc.*, 161 S.W.3d 475, 481 (Tex. 2005) (quoting *Wingfoot*, 111 S.W.3d at 146). This is why the control test for the duty issue is narrowed to who controlled the specific injury-

causing equipment. *Exxon Corp. v. Tidwell*, 867 S.W.2d 19, 22-23 (Tex. 1993). In contrast, the control test to determine borrowed employee status under the Act calls for a more holistic analysis of the employment relationship. *Waste Mgmt.*, 622 S.W.3d at 284.

Coleman properly applied the control tests for each issue and thus successfully established that: (1) it did not owe a duty to Fields and (2) Fields was its borrowed employee. Fields' response failed to raise a genuine issue of material fact on either issue. Consequently, Coleman is entitled to summary judgment as a matter of law.

1. Coleman did not owe a duty to Jake Fields under the Restatement or Texas common law.

A. Fields waived his affirmative undertaking argument and should not be permitted to raise it now.

Trying to confuse the issues before the court, Fields ambushed Coleman by asserting for the very first time in its response that Coleman assumed a duty to Fields under Section 324A of the Restatement (Second) of Torts. Fields' petition explicitly alleges that Coleman's omissions and failures caused his injury. Yet now, Fields complains that Coleman affirmatively undertook Pride's duty to Fields—the total opposite of failures and omissions.

This Court must see past this desperate and unfair tactic. Fields waived his affirmative undertaking argument by failing to raise it in his pleadings, thus this Court should refuse to consider it.

B. Fields concedes that Coleman never undertook the filter change process.

Even if Fields had not waived its affirmative undertaking argument, Coleman did not assume a duty to Fields because Pride continued to maintain control over the filter process. While Coleman does not dispute that Texas courts have adopted the Second Restatement, Fields conveniently fails to mention that there is more to the inquiry.

For duty to flow from Coleman to Fields, Coleman had to undertake the *specific performance* of the activity or equipment that caused the plaintiff's injury. This requirement is clearly explained by the cases Fields relies on. Specifically, in *Torrington Co. v. Stutzman*, 46 S.W.3d 829, 839 (Tex. 2000), the Texas Supreme Court, applying the Restatement, settled that a parent company's assumption of an undertaking cannot be broad. Rather, "[a] person's duty to exercise reasonable care in performing a voluntarily assumed undertaking is *limited to that undertaking*." *Id.* (citing *Fort Bend County Drainage Dist. V. Sbrusch*, 818 S.W.2d 392, 397 (Tex. 1991) (emphasis added)). This is further echoed in the other cases Fields cites. *See Colonial Sav. Ass'n v. Taylor*, 544 S.W.2d 116, 119-20 (Tex. 1976) (jury finding that an insurance company who had issued a specific policy had undertaken a duty to exercise reasonable care in providing coverage); *see also Seay v. Travelers Indem. Co.*, 730 S.W.2d 774 (at issue was whether insurance company had knowledge of "specific standards" sufficient to undertake inspection of a boiler that caused the death of the insured's employee).

These cases resoundingly support Coleman, not Fields. So, if Coleman assumed any undertaking that would render it liable for Fields' death under the Restatement, that undertaking was limited to one thing and one thing only: the filter change process. And Coleman could not have undertaken a duty related to the filter change procedure because it remained under Pride's control. In Fields' own words:

"[A]t the time of the accident, Jake Fields was a **Pride** employee, working on a **Pride** plant, on a piece of equipment owned by **Pride**, using **Pride** tools, pursuant to a **Pride procedure**." Pl.'s Resp. at 5. (emphasis added).

By admitting that he was working under a Pride procedure at the time of the accident, Fields concedes that Coleman did not exercise specific control of the filter change process that

resulted in Fields' death. Nor has Fields shown that Coleman at any point undertook the filter change process at the time of the accident.

And Fields' response to the Johnson Affidavit? Crickets. He completely ignores that Johnson, a Pride supervisor, retained the right to control Fields' work regarding the filter change process, and that she exercised this right by disciplining Fields. Johnson Aff. ¶ 6. The affidavit further establishes that Pride, not Coleman, controlled the filter change process.

Because Fields cannot prove that Coleman affirmatively undertook the filter change process, Coleman did not assume a duty to Fields under the Restatement.

C. Coleman did not owe any other common law duty to Fields.

For the same reason his affirmative undertaking argument fails, Fields likewise cannot prove Coleman owed Fields any common law duty. To do so, Fields had to prove that Coleman had actual control or a right of control over the *specific aspect* of the safety and security that led to the plaintiff's injury. *Tidwell*, 867 S.W.2d at 23 (emphasis added). Control over the general operation of the workplace is insufficient; "liability is imposed when there is specific control over the activity that caused the accident." *Coastal Corp v. Torres*, 133 S.W.3d 776, 779 (Tex. 2004).

Fields fails to cite to a single case that undermines the Texas Supreme Court decisions in *Tidwell* and *Torres*. Rather, Fields tries to establish control through blanket assertions that Coleman generally ran "all aspects" of the plant that led to Fields' death. Pl.'s Resp. at 4. Although Coleman managed the plant's maintenance and safety positions, it never controlled the filter change process. Cutsinger Dep. 2:28-30; 3:10-11. Pride, and only Pride, controlled the filter change process. Therefore, if there was any duty owed to Fields, it was owed by Pride, not Coleman.

Pertinent facts do not disappear just because Fields does not want to acknowledge them. Because Fields cannot raise a fact issue as to Pride's control of the filter, Coleman did not owe Fields a duty. Therefore, this Court must grant summary judgment in favor of Coleman.

2. In the alternative, the exclusive remedy provision of the Texas Workers' Compensation Act bars Fields' negligence claim against Coleman.

The Texas Legislature intentionally designed the exclusive remedy provision of the Act to protect employers like Coleman from liability and to compensate employees like Fields for workplace-related injuries—a delicate balance that considers the needs of both. *Port Elevator-Brownsville, L.L.C. v. Casados*, 358 S.W.3d 238, 241 (Tex. 2012). Fields is now trying to throw a wrench in the statutory scheme that benefits many.

Coleman is entitled to the exclusive remedy defense because it successfully established that: (1) Fields was an employee of defendant within the meaning of the Act; and (2) it was a subscriber to a workers' compensation insurance policy at the time of the accident. *Western Steel Co. v. Altenburg*, 206 S.W.3d 121, 121 (Tex. 2006).

Because Fields did not raise a fact issue on either element, Coleman is entitled to summary judgment.

A. The evidence overwhelmingly establishes that Fields was Coleman's borrowed employee.

- i. The Texas Supreme Court has repeatedly settled that an employee can have more than one employer.*

As a threshold matter, Fields' response ignores established Texas case law that settles an employee can have more than one employer under the Act. *Garza*, 161 S.W.3d at 475-76; *Wingfoot*, 111 S.W.3d 134 at 143; *Port Elevator-Brownsville, L.L.C.*, 358 S.W.3d at 243.

The one case Fields discusses in support of his argument that Pride was Fields' only employee—*Anthony Equip. Corp. v. Irwin Steel Erectors, Inc.* 115 S.W.3d, 191, 2001 (5th Cir.

2003) —is wholly inapplicable to the issue here. In *Anthony*, the court answered the borrowed servant defense on a negligence claim, *not* on an exclusive remedy defense under the Act. Again, Fields fails to make the necessary distinction.

Garza, *Wingfoot*, and *Port-Elevator-Brownsville* are the proper authorities on this issue—not *Anthony*. Therefore, an employee can have multiple employers under the Act.

ii. *Fields misapplies the law regarding determination of borrowed employee status.*

This Court can absolutely decide borrowed employee status on summary judgment. *Waste Mgmt.* was a 2021 Texas Supreme Court case that determined borrowed employee status on summary judgment. This Court can too.

Moreover, Fields’ reliance on the Restatement (Second of Agency) § 227, cmt., *Humble Oil & Refining Co. v. Martin*, 222 S.W.2d 995, 997-98 (Tex. 1949), and *Exxon Corp. v. Perez*, 842 S.W.2d 629, 630 (Tex. 1992) is misguided. None of these authorities support his argument that the question of borrowed servant is almost always a question of fact for the jury.

First, the portion of the Restatement Fields cites merely lists the various factors a court may consider in determining borrowed employee status. Nowhere does it state that only a jury can consider these factors.

Second, *Humble Oil* does not apply here at all. In that case, the borrowed servant doctrine was applied in a negligence claim, not a workers compensation claim. Yet again, Fields fails to differentiate between the two. Are we seeing a pattern?

Third, *Perez* is distinguishable from the facts in this case. In *Perez*, the court found that, at trial, the question of borrowed servant should have been kept from the factfinder: the jury. If this case was presently being tried before a jury, then Fields’ reliance on *Perez* would be appropriate. But the parties here are not at trial. *Perez* does not apply.

Simply put, this Court can decide the question of borrowed employee status.

iii. *The chain of command evidence is sufficient to establish Fields as Coleman’s borrowed employee.*

Coleman has proved that Fields was its borrowed employee and Fields has not provided any evidence to the contrary. Instead, Fields needlessly makes much of the fact that the cases cited by Coleman did not specifically list “chain of command” verbatim as one of the factors to determine borrowed employee status.

Fields is splitting hairs. Texas courts don’t spell out “chain of command” as a specific factor, but they certainly look at who had the authority to control the details of an employee’s work and to discipline an employee for engaging in unauthorized conduct. *Waste Mgmt.*, 622 S.W.3d 273. Here, the chain of command allowed Clark, Fields’ first-line Coleman supervisor, to do both. In response, Fields states that there is no evidence that a Coleman employee had a single conversation with Fields about the filter. Pl.’s Resp. at 7. Again, hair splitting. In his sworn declaration, Clark, a Coleman supervisor, specifically testifies that he disciplined Fields for Fields’ failure to follow the proper filter-change procedure. Clark Decl. ¶ 3. That the discipline may not have taken the form of a verbal conversation did not take away Clark’s authority to discipline Fields.

Fields’ attempts to create fact issues with the Johnson Affidavit and Cutsinger’s testimony do not fare well either. Pride was undisputedly Fields’ direct employer and thus controlled some aspects of Fields’ work. Pl.’s Resp at 4; Def’s Answer ¶ 9. As such, Johnson could also discipline Fields and Pride provided Fields with his tools under their procedure. Johnson Aff. However, these facts do not preclude Coleman from being Fields’ borrowing employer under the Act. *Waste Mgmt.*, 622 S.W.3d 273 at 278 & h.n3 (the undisputed fact that plaintiff was one person’s employee did not dictate whether plaintiff was also defendant’s employee for workers

compensation purposes.) Nor is it material that Coleman did not train Fields on the filter change process, because determination of borrowed employee status does not require a showing that the borrowing employer controlled every action of an employee. *Id.* at 280.

The evidence overwhelmingly favors the conclusion that Fields was Coleman's borrowed employee under the Act. Fields failed to raise a genuine issue of fact to the contrary. Accordingly, Coleman is entitled to summary judgment.

B. Coleman was a subscriber to workers' compensation insurance at the time of the accident.

In its motion for summary judgment, Coleman provided proof that it was a subscriber to a workers' compensation policy on the date of the accident. Zachary Aff. Ex. A. Fields' response did not dispute this. Therefore, there is no genuine issue of fact regarding Coleman's status as a Texas Workers' Compensation subscriber.

In the end, this case illustrates exactly why the Act's exclusive remedy provision was created in the first place. To deny Coleman protection on this basis not only turns the Act on its head but would blatantly disregard the Texas Legislature's wishes to balance the interests of employers and employees when unfortunate, injury-producing accidents occur in the workplace.

Furthermore, employers can currently choose whether to subscribe to a workers' compensation plan. But if the Court denies Coleman summary judgment, employers will be disincentivized from doing so. This would chill judicial economy and the predictability that the Act seeks to provide. The result? More litigation. Less certainty.

The Court should uphold the intent of the Texas Legislature. Because Coleman established that Fields was a borrowed employee of Coleman and that Coleman was a subscriber to a workers' compensation policy at the time of the accident, Fields' negligence claim is barred as a matter of law.

V. CONCLUSION AND PRAYER

For these reasons, Coleman respectfully requests that the Court grant Coleman's Motion for Summary Judgment on the duty issue, or, alternatively on the basis that the Act bars Fields' negligence claim.

Coleman further asks this Court to award Coleman its reasonable attorney fees, costs of court, and such other and further relief, both in law and in equity, to which Coleman is justly entitled.

Respectfully submitted,

VINSON BOTTS & FULBRIGHT LLP

By: /s/ Joshua Biegler
Joshua Biegler
State Bar No. 00792424
S.D. Texas Federal ID No. 67898
1301 McKinney Street, Suite 3800
Houston, Texas 77010-3095
Telephone: (713) 220-2500
Facsimile: (713) 220-2000
Email: jbiegler@vbflaw.com

Attorney-in-Charge for Defendants
Pride Chemicals, Inc. and Coleman Industries

OF COUNSEL:

VINSON BOTTS & FULBRIGHT LLP

By: Exam No. 7072
1301 McKinney Street, Suite 3800
Houston, Texas 77010-3095
Telephone: (713) 220-2500
Facsimile: (713) 220-2000

Applicant Details

First Name **Carlos**
 Middle Initial **A.**
 Last Name **Larrauri**
 Citizenship Status **U. S. Citizen**
 Email Address larrauri@umich.edu

Address

Address
Street
9818 SW 94th Terrace
City
Miami
State/Territory
Florida
Zip
33176

Contact Phone Number **(305) 510-9196**

Applicant Education

BA/BS From **New College of Florida**
 Date of BA/BS **May 2011**
 JD/LLB From **The University of Michigan Law School**
<http://www.law.umich.edu/currentstudents/careerservices>
 Date of JD/LLB **May 3, 2024**
 Class Rank **School does not rank**
 Law Review/Journal **Yes**
 Journal(s) **Michigan Law Review**
 Moot Court Experience **No**

Bar Admission**Prior Judicial Experience**

Judicial Internships/
 Externships **No**
 Post-graduate Judicial
 Law Clerk **No**

Specialized Work Experience

Professional Organization

Organizations

Just the Beginning Organization

Recommenders

Chopp, Debra
dchopp@umich.edu
734-763-1948

Stein, Michael
mastein@law.harvard.edu
617-495-1726

Mendlow, Gabriel
mendlow@umich.edu
734-764-9337

Price, Nicholson
wnp@umich.edu
734-763-8509

This applicant has certified that all data entered in this profile and any application documents are true and correct.

June 12, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

I am a rising third-year law student at the University of Michigan Law School and a Zuckerman Fellow at Harvard's Center for Public Leadership, where I am pursuing a concurrent master in public administration at the Harvard Kennedy School of Government. I am writing to apply for a clerkship in your chambers for the 2024–2025 term. A clerkship in your chambers will offer me unparalleled preparation for a career in public service as a healthcare rights advocate.

Having practiced for five years as a dual board-certified family nurse practitioner and psychiatric mental health nurse practitioner, I have seen firsthand how the legal system can hinder or facilitate positive change, underscoring the vital importance of compassionate, thoughtful decision-making. Nonetheless, to develop greater literacy in the legal system and the tools needed for systemic advocacy, I decided to build upon my clinical training and pursue legal and policy education.

Furthermore, my work across academia and policymaking has allowed me to hone my written and oral advocacy, research diligence, and ability to collaborate with others. In addition to serving as a Senior Editor of the *Michigan Law Review*, I have assisted professors at both Harvard and Michigan with research leading to publishable scholarship, including a current chapter for an American Psychiatric Association clinical textbook, a publication in *World Psychiatry*, and other projects.

While my substantive focus has been on the intersection of mental health, law, and policy, I am ready to broaden my understanding of various legal areas, gain valuable insights into judicial decision-making, and hone my legal writing and argument construction skills. I believe your guidance and mentorship would be invaluable in my personal and professional growth as an attorney, and I would be eager to contribute and continue developing these skills and insights as a clerk in your chambers.

I have attached my resume, transcripts, and writing sample(s) for your review. Letters of recommendation from the following professors are also attached:

- Professor Michael Ashley Stein: mastein@law.harvard.edu, (617) 495-1726
- Professor William Nicholson Price II: wnp@umich.edu, (734) 763-8509
- Professor Debra Chopp: dchopp@umich.edu, (734) 763-1948
- Professor Gabriel Mendlow: mendlow@umich.edu, (734) 764-9337

Thank you for your time and consideration.

Respectfully,

Carlos A. Larrauri

Carlos A. Larrauri

9818 SW 94th Terrace, Miami, FL 33176
(305) 510-9196 • larrauri@umich.edu

EDUCATION

UNIVERSITY OF MICHIGAN LAW SCHOOL	Ann Arbor, MI
HARVARD KENNEDY SCHOOL OF GOVERNMENT	Cambridge, MA
Concurrent Juris Doctor/Master in Public Administration	May 2024
Journal: <i>Michigan Law Review</i> , Senior Editor, Vol. 122	
Honors: Zuckerman Fellowship, Harvard's Center for Public Leadership (full tuition & stipend for one year)	
Dean's Scholarship, University of Michigan (\$60,000)	
Activities: Research Assistant for Prof. Gabriel Mendlow (researching coercion in mental healthcare)	
1L Representative for the Latinx Law Students Association	

UNIVERSITY OF MIAMI SCHOOL OF NURSING AND HEALTH STUDIES	Coral Gables, FL
Master of Science in Nursing	August 2017
Honors: Sigma Theta Tau International Honor Society of Nursing	
Award: The 2017 Community Engagement Award	

MIAMI DADE COLLEGE BENJAMÍN LEÓN SCHOOL OF NURSING	Miami, FL
Bachelor of Science in Nursing	July 2016
Honors: Benjamin Leon Scholarship (full tuition)	

NEW COLLEGE OF FLORIDA (THE HONORS COLLEGE)	Sarasota, FL
Bachelor of Arts in Humanities	April 2011
Honors: Florida Academic Scholars Award (full tuition)	

EXPERIENCE

SIDLEY AUSTIN, LLP	New York City, NY & Washington D.C.
<i>Summer Associate 2L Diversity & Inclusion Fellow</i>	May 2022 – July 2022; May 2023 – July 2023
<ul style="list-style-type: none"> Drafted an 18-page memo analyzing federal case law interpreting the statutory provisions and implementing regulations of FDA's three-year exclusivity for new clinical investigations. Conducted legal research on capital litigation, social security disability, and police misconduct matters. 	

THE UNIVERSITY OF MICHIGAN COLLEGE OF LITERATURE, SCIENCE, AND THE ARTS	Ann Arbor, MI
<i>Graduate Student Instructor for the Global Scholars Program</i>	August 2022 – May 2023
<ul style="list-style-type: none"> Delivered a lecture to 70+ students on a "Rights-based Approach to Mental Health" in the Fall of 2022. Co-led check-ins with student leaders, provided guidance on facilitating student groups, and delivered feedback on essays and other written assignments. 	

THE UNIVERSITY OF MICHIGAN PEDIATRIC ADVOCACY CLINIC	Ann Arbor, MI
<i>Student Attorney 1L Goodwin Diversity Fellow</i>	May 2021 – August 2021
<ul style="list-style-type: none"> Worked on an interdisciplinary team with physicians as a medical-legal partnership to provide relief for legal issues linked to children's medical and social problems, including housing, education, and public benefits. Conducted legal research on family law, interviewed clients, and cross-examined a witness at trial. 	

UNIVERSITY OF MIAMI SCHOOL OF NURSING AND HEALTH STUDIES	Coral Gables, FL
<i>Lecturer, Psychiatric Nursing</i>	August 2018 – May 2020
<ul style="list-style-type: none"> Trained seven accelerated BSN students per semester on the fundamentals of psychiatric nursing in community mental health and inpatient psychiatric facilities. Graded and delivered feedback on essays and other written assignments. 	

CARLOS A. LARRAURI, LLC	Miami, FL
<i>Clinical Director & Advanced Practice Registered Nurse</i>	November 2017 – August 2023
<ul style="list-style-type: none"> Diagnosed, prescribed, and evaluated treatment response for fifteen to twenty-five patients per week in a community mental health center in Washington State (via telepsychiatry). 	

C. Larrauri

- Supervised staff and patient care at four community mental health centers in South Florida and ensured compliance with applicable laws, rules, and regulations.

IMIC MEDICAL RESEARCH CENTER

Sub-Investigator

Palmetto Bay, FL

April 2018 – August 2018

- Conducted clinical research for over twelve successful phase II, III, and IV drug trials.
- Ensured study compliance with regulations, guidelines, and standard operating procedures.

CORRECT CARE RECOVERY SOLUTIONS

Psychiatric Registered Nurse

Homestead, FL

November 2015 – April 2016

- Administered medications, evaluated psychiatric and medical progress, and recorded patient data for up to twenty-five patients daily at a maximum-security forensic psychiatric hospital.
- Directed support staff, including a team of three mental health technicians.

SELECTED SCHOLARSHIP

- Fusar-Poli, P., Sunkel, C., **Larrauri, C. A.**, Keri, P., McGorry, P. D., Thornicroft, G., & Patel, V. (2023). Violence and schizophrenia: the role of social determinants of health and the need for early intervention. *World psychiatry*, 22(2), 230–231. <https://doi.org/10.1002/wps.21074>.
- Brady, L. S., **Larrauri, C. A.**, & AMP SCZ Steering Committee (2023). Accelerating Medicines Partnership® Schizophrenia (AMP® SCZ): developing tools to enable early intervention in the psychosis high risk state. *World Psychiatry*, 22(1), 42–43. <https://doi.org/10.1002/wps.21038>.
- **C.A. Larrauri** & C. Garret. First-person accounts of advocacy work. In: *Intervening Early in Psychosis – a team approach*, edited by K.V. Hardy, J.S. Ballon, D.L. Noordsy, and S. Adelsheim. Washington DC: American Psychiatric Association Publishing, 2019.

SELECTED SERVICE AND LEADERSHIP

FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH

Bethesda, MD

Steering Committee Co-Chair for the Accelerated Medicines Partnership program in Schizophrenia

October 2020 – Present

- Co-leading a \$100 million public-private partnership to develop more effective medicines by defining and maintaining the research plan, reviewing the project's progress, and providing an assessment of milestones.

NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE

Washington D.C.

Planning Committee for Novel Molecular Targets for Mood Disorders and Psychosis

November 2020 – March 2021

- Planned a virtual workshop by developing the workshop's agenda, selecting, and inviting speakers and discussants, and assisting in moderating the discussions.

THE BROAD INSTITUTE OF MIT AND HARVARD

Cambridge, MA

Schizophrenia Spectrum Biomarkers Consortium Ethics Workgroup

November 2019 – Present

- Developing participant education materials and creating patient and family surveys to enhance patient engagement and outreach for the biomarkers study.

NATIONAL ALLIANCE ON MENTAL ILLNESS

Arlington, VA

Board of Directors, Former Secretary & Chair of Board Policy and Governance

July 2017 – June 2023

- Recorded and preserved minutes and reviewed agendas for executive committee meetings.
- Served on strategic planning, governance, and policy committees, and workgroup on diversity and inclusion.

ADDITIONAL

Languages: Spanish (professional working proficiency in reading, writing, and speaking)

Programming Skills: STATA (intermediate proficiency) and R (beginner proficiency)

Public Speaking: Harvard Law School, Harvard Business School, Stanford, UCSF, National Academies

Interests: Composing original music, traveling, cooking, genealogy, financial investing, and weightlifting

Control No: E196661401

Issue Date: 05/30/2023

Page 1

The University of Michigan Law School

Cumulative Grade Report and Academic Record

Name: Larrauri, Carlos Alberto
Student#: 86798752



Paul R. Larson
University Registrar

Subject	Course Number	Section Number	Course Title	Instructor	Load Hours	Graded Hours	Towards Program	Credit Grade
---------	---------------	----------------	--------------	------------	------------	--------------	-----------------	--------------

Fall 2020 (August 31, 2020 To December 14, 2020)

LAW	510	001	Civil Procedure	Maureen Carroll	4.00	4.00	4.00	B+
LAW	520	005	Contracts	Albert Choi	4.00	4.00	4.00	B+
LAW	580	008	Torts	Kyle Logue	4.00	4.00	4.00	B+
LAW	593	001	Legal Practice Skills I	Margaret Hannon	2.00		2.00	S
LAW	598	001	Legal Pract:Writing & Analysis	Margaret Hannon	1.00		1.00	S

Term Total GPA: 3.300 15.00 12.00 15.00

Cumulative Total GPA: 3.300 12.00 15.00

Winter 2021 (January 19, 2021 To May 06, 2021)

LAW	530	001	Criminal Law	Gabe Mendlow	4.00	4.00	4.00	B+
LAW	540	003	Introduction to Constitutional Law	Richard Primus	4.00	4.00	4.00	B
LAW	594	001	Legal Practice Skills II	Margaret Hannon	2.00		2.00	S
LAW	673	001	Family Law	Maude Myers	3.00	3.00	3.00	B+
LAW	898	001	Law and Psychiatry Crossroads	Debra Pinals	2.00	2.00	2.00	A+

Term Total GPA: 3.361 15.00 13.00 15.00

Cumulative Total GPA: 3.332 25.00 30.00

Continued next page >

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Issue Date: 05/30/2023

Page 2

The University of Michigan Law School

Cumulative Grade Report and Academic Record

Name: Larrauri, Carlos Alberto
Student#: 86798752



Paul R. Larson
University Registrar

				Credit			
				Load	Graded	Towards	
Subject	Course Number	Section Number	Course Title	Instructor	Hours	Hours	Program Grade
Fall 2022 (August 29, 2022 To December 16, 2022)							
LAW	448	001	Business Planning	Stefan Tucker	2.00	2.00	2.00 A
LAW	781	001	FDA Law	Ralph Hall	3.00	3.00	3.00 A
LAW	839	001	Innovation in Life Sciences	Nicholson Price	2.00	2.00	2.00 A
LAW	900	377	Research	Nicholson Price	1.00	1.00	1.00 A
LAW	910	001	Child Advocacy Clinic	Joshua Kay	4.00	4.00	4.00 B+
LAW	911	001	Child Advocacy Clinic Seminar	Frank Vandervort	3.00	3.00	3.00 A-
Term Total				GPA: 3.753	15.00	15.00	15.00
Cumulative Total				GPA: 3.490	40.00	45.00	
Winter 2023 (January 11, 2023 To May 04, 2023)							
LAW	663	001	Legal Tech Literacy&Leadership	Dennis Kennedy	2.00	2.00	2.00 A
LAW	712	002	Negotiation	Barbara Kaye	2.00	2.00	2.00 A
LAW	727	001	Patent Law	Rebecca Eisenberg	4.00	4.00	4.00 B+
LAW	737	001	Higher Education Law	Jack Bernard	4.00	4.00	4.00 A-
LAW	877	001	Law in Slavery and Freedom	Rebecca Scott	2.00	2.00	2.00 B+
LAW	900	348	Research	Gabe Mendlow	2.00	2.00	2.00 A
Term Total				GPA: 3.662	16.00	16.00	16.00
Cumulative Total				GPA: 3.539	56.00	61.00	

End of Transcript
Total Number of Pages 2

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University of Michigan Law School Grading System

Honor Points or Definitions

Through Winter Term 1993	Beginning Summer Term 1993
A+ 4.5	A+ 4.3
A 4.0	A 4.0
B+ 3.5	A- 3.7
B 3.0	B+ 3.3
C+ 2.5	B 3.0
C 2.0	B- 2.7
D+ 1.5	C+ 2.3
D 1.0	C 2.0
E 0	C- 1.7
	D+ 1.3
	D 1.0
	E 0

Other Grades:

- F Fail.
- H Top 15% of students in the Legal Practice courses for students who matriculated from Spring/Summer 1996 through Fall 2003. Top 20% of students in the Legal Practice courses for students who matriculated in Spring/Summer 2004 and thereafter. For students who matriculated from Spring/Summer 2005 through Fall 2015, "H" is not an option for LAW 592 Legal Practice Skills.
- I Incomplete.
- P Pass when student has elected the limited grade option.*
- PS Pass.
- S Pass when course is required to be graded on a limited grade basis or, beginning Summer 1993, when a student chooses to take a non-law course on a limited grade basis.* For SJD students who matriculated in Fall 2016 and thereafter, "S" represents satisfactory progress in the SJD program. (Grades not assigned for LAW 970 SJD Research prior to Fall 2016.)
- T Mandatory pass when student is transferring to U of M Law School.
- W Withdrew from course.
- Y Final grade has not been assigned.
- * A student who earns a grade equivalent to C or better is given a P or S, except that in clinical courses beginning in the Fall Term 1993 a student must earn a grade equivalent to a C+ or better to be given the S.

MACL Program: HP (High Pass), PS (Pass), LP (Low Pass), F (Fail)

Non-Law Courses: Grades for these courses are not factored into the grade point average of law students. Most programs have customary grades such as A, A-, B+, etc. The School of Business Administration, however, uses the following guides: EX (Excellent), GD (Good), PS (Pass), LP (Low Pass) and F (Fail).

Third Party Recipients

As a third party recipient of this transcript, you, your agents or employees are obligated by the Family Rights and Privacy Act of 1974 not to release this information to any other third party without the written consent of the student named on this Cumulative Grade Report and Academic Record.

Official Copies

An official copy of a student's University of Michigan Law School Cumulative Grade Report and Academic Record is printed on a special security paper with a blue background and the seal of the University of Michigan. A raised seal is not required. A black and white is not an original. Any alteration or modification of this record or any copy thereof may constitute a felony and/or lead to student disciplinary sanctions.

The work reported on the reverse side of this transcript reflects work undertaken for credit as a University of Michigan law student. If the student attended other schools or colleges at the University of Michigan, a separate transcript may be requested from the University of Michigan, Office of the Registrar, Ann Arbor, Michigan 48109-1382.

Any questions concerning this transcript should be addressed to:

Office of Student Records
University of Michigan Law School
625 South State Street
Ann Arbor, Michigan 48109-1215
(734) 763-6499



New College

THE HONORS COLLEGE of Florida

Office of the Registrar
5800 Bay Shore Road, PMD-115
Sarasota, FL 34243-2109
Phone: (941) 487-4230 • Fax: (941) 487-4478

OFFICIAL TRANSCRIPT

Carlos Alberto Larrauri (N10212119) SSN: XXX-XX-XXXX

DOB: DEC 17 Residency: In-State

Degree Awarded: Bachelor of Arts Award Date: 25-MAY-12 Area of Concentration: Humanities

Previous Colleges

Miami-Dade CC	Miami, FL	25-AUG-04 - 22-DEC-07	Associate of Arts
Ohio State U	Columbus, OH	01-SEP-06 - 01-JUN-07	Less than Associate Degree

Work Satisfactorily Completed

Transcript Key: *Meets Liberal Arts Requirement | CHE Credit Hour Equivalency | ISP Independent Study Project | R/P Independent Reading Project

Transfer Credit

Contract 1 - Transfer Credit
Contract 2 - Transfer Credit
ISP 1 - Transfer Credit
Other (incl. 2 units for AA degree)

CHE Units

16 4
16 4
4 1
24 6

Spring 2011

Tutorial: Thesis

CHE Units
4 1

Fall 2010

Philosophy of Religion
The Anthropology of Performance
Tutorial: Thesis
Independent Study Project: Wakeland Elementary

CHE Units
4 1
4 1
4 1
4 1

Spring 2010

Indian Buddhist Thought
Myth and Ritual: Anthropological Approaches to the Study of Religion
Religion and Sexuality

CHE Units
4 1
4 1
4 1

Fall 2009

Introduction to the Study of Religion*
Orientalism*
Psychology of Religion
Introduction to Ethical Theory*

CHE Units
4 1
4 1
2 .5
4 1

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Explanatory legend and authenticity confirmation information on reverse.

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New College of Florida

THE HONORS COLLEGE

Office of the Registrar
5800 Bay Shore Road, PMD-115
Sarasota, FL 34243-2109
Phone: (941) 487-4230 • Fax: (941) 487-4478

OFFICIAL TRANSCRIPT

Spring 2009

Tutorial: Biointensive Agriculture: Theories and Methods

CHE 4
Units 1

Fall 2008

Metaphysics Survey*

Religions of South Asia*

Reading Poetry*

Independent Study Project: Fundamentals of Sail Boat Reconstruction,
Maintenance and Navigation

CHE 4
Units 1
4
1
4
1
4
1

Spring 2008

Ritual Theory*

History of the Novel in English 1720-1930*

Writing America(n)*

CHE 4
Units 1
4
1
4
1

Senior Thesis or Project Title & Baccalaureate Exam Date (oral defense of senior thesis or project)

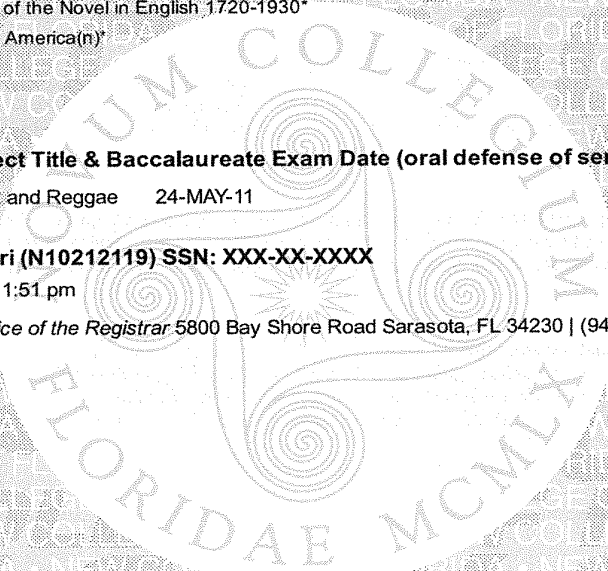
The Rastafari Movement and Reggae 24-MAY-11

Carlos Alberto Larrauri (N10212119) SSN: XXX-XX-XXXX

Produced: 03/20/2017 01:11:51 pm

New College of Florida Office of the Registrar 5800 Bay Shore Road Sarasota, FL 34230 | (941) 487-4230 |
records@ncf.edu

***** End of Transcript *****



In accordance with the Family Educational Rights and Privacy Act of 1974, information from this transcript may not be released to a third party without written consent of the student.

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THE NAME OF THE COLLEGE APPEARS IN WHITE ACROSS THE FACE OF THIS RECORD



HARVARD Kennedy School

JOHN F. KENNEDY SCHOOL OF GOVERNMENT

Office of the Registrar
79 John F. Kennedy Street
Cambridge, Massachusetts 02138

Name: **Carlos Larrauri**
ID: **21405191**

Program: **Master in Public Administration**

Dual Program: **University of Michigan Law School**

2021 Fall

School	Course	Course Name	Earned Credit	Grade
	DPI 122	Politics and American Public Policy	4.00	A
GSE	EDU S040	Introductory and Intermediate Statistics for Educational Research: Applied Linear Regression	4.00	A
PBH	GHP 204	Foundations of Global Mental Health	2.00	A
	MLD 401M	Financial Analysis of Public and Nonprofit Organizations	2.00	B+
	MLD 411M	Introduction to Budgeting and Financial Management	2.00	B+
	MLD 802M	Nonprofit Management and Leadership	2.00	A-

2022 Spring

School	Course	Course Name	Earned Credit	Grade
	DPI 321	Modern American Political Campaigns	4.00	A
	DPI 515	Disability Law and Policy	4.00	A
GSE	EDU S052	Intermediate and Advanced Statistical Methods for Applied Educational Research	4.00	A
PBH	GHP 208	Global Mental Health Delivery: From Research to Practice	2.00	A
	SUP 500	U.S. Health Care Policy	4.00	A

END OF TRANSCRIPT

- See reverse for explanation of grades, credits, and abbreviations.
- Information on this transcript must be kept confidential and may not be disclosed to other parties without written consent of the student or legal representative (1974 Family Educational Rights and Privacy Act).
- For purposes of certification, a reproduced copy of the original academic record shall not be valid without the official embossed seal of Harvard Kennedy School and signature of the Registrar.

Laura Recklet, Registrar

HARVARD UNIVERSITY

JOHN F. KENNEDY SCHOOL OF GOVERNMENT
Office of the Registrar
79 John F. Kennedy Street
Cambridge, Massachusetts 02138
Tel. (617) 495-1155 Fax (617) 496-1165

Degrees Offered

Dr P.A. (Doctorate in Public Administration)
MCRP (Master in City and Regional Planning) prior to June 1993
MPA (Master in Public Administration)
MPA/ID (Master in Public Administration in International Development)
MPP (Master in Public Policy)
MPP/UP (Master in Public Policy and Urban Planning)

Cross-Registration

In addition to enrolling in courses at Harvard's Kennedy School of Government (HKS), students are permitted to enroll in courses for degree credit by petition to the following institutions:

Harvard University:

- Business School – HB (HBS*)
- Dental Medicine – HN (HDS*)
- Divinity School – HV (DIV*)
- Faculty of Arts and Science – HF (FAS*)
- Graduate School of Education – GSE
- Graduate School of Design – HD (GSD*)
- Law School – HL (HLS*)
- Medical School – HM (HMS*)
- School of Public Health – HP (SPH*)

Tufts University:

- Fletcher School of Law and Diplomacy – FL (FLT*): designated as (TUF) prior to June 1986

Massachusetts Institute of Technology – MI (MIT*)

*Designates code used prior to 2003

Semester Hours/Credit

Courses taken prior to the 1994/95 academic year reflect the following credit system:

Prior to the 1994/95 academic year, semester long courses equal 'H' credit, half-semester courses designated with an 'M' equal module credit (1/2 'H' credit), and year long courses designated with a 'Y' are worth 'H' credit. Year long courses without a 'Y' designation are 'F' courses, equivalent in credit to 2 'H' courses. A normal full-time course load consists of eight 'H' courses a year.

Courses taken beginning in the 1994/95 through 2015/16 academic years reflect the following credit system:

Beginning in the 1994/95 academic year, semester long courses equal 1 credit, half-semester courses designated with an 'M' equal 1/2 credit, and year long courses designated with a 'Y' are worth 1 credit. A normal full-time course load consists of eight credits per academic year.

Courses taken in the 2016/17 academic year and thereafter reflect the following credit system:

Beginning in the 2016/17 academic year, individual course credits range between 1.5 and 6 per semester. Normally, semester long courses equal 4 credits, half-semester courses designated with an 'M' equal 2 credits, and year long courses designated with a 'Y' are worth 4 credits. A normal full-time course load consists of 24 credits per academic year. Previous years' credits for course enrollments were converted into the current system for students graduating during the 2016/17 academic year and thereafter.

Joint and Concurrent Degrees

The Kennedy School of Government, in cooperation with Harvard's Schools of Law, Business, and Medicine and selected other universities, offers several concurrent degrees. Students must be admitted independently to both schools. Kennedy School requirements for graduation are reduced by 16-24 (4-6 prior to AY 2016/17) credits depending on the HKS program. The degree is awarded only upon completion of the requirements for both degrees. Transcripts reflecting confirmation of the other degree should be obtained from the appropriate school's Registrar.

Transcript questions should be referred to the Registrar.

Other Transcript Notations

MAC: Methodological Area of Concentration

Explanation of Grades

Beginning June 1986	
Pass	Fail
A, A-, B+, B, B-, C+, C, C-, D, P, SAT	E, F, UNS, UNSAT
Prior to June 1986	
Pass	Fail
A, A-, B+, B, SAT	C+, C, C-, E, UNS

Satisfactory Work Beginning June 1986

Grades of C+ or below are generally considered unsatisfactory but are not failing grades. They may be offset by grades of A- or A except for MPP and MPA/ID core courses and MPA distribution courses (effective September 1, 1998), where the lowest passing grade is a B-. An overall average of a B is required for graduation.

Satisfactory Work Prior to June 1986

The minimum standard for satisfactory work in the Kennedy School is a B average in each academic year. An HKS grade of C+ or below is a failing grade and is not included as credit towards a degree (effective September 1, 1978). Standards set by other schools in which a student is cross-registered are observed when determining whether a grade from that school is considered passing or failing.

Courses taken at another school for credit toward Kennedy School degrees are graded according to that school's grading system; grades are not converted. The following grades are not acceptable for credit:

IV, 4, ABS, AWD, DRP, E, F, INC, IP, NCR, NG, PI, T, U, UNS, UNSAT, W, WD.

Definitions of Non-Traditional Grades:

ABS	Absent from the final examination	LP	Low Pass
AWD	Administrative withdrawal	MP	Marginal Pass
DIS/DST	Distinction	NCR	No Credit
DRP	Indicates a withdrawal from a course during drop period	NG	No Grade
EXL	Excellent	P	Pass
EXM	Exempt- excused from a normally required course; not a grade	PI	Permanent incomplete- work not submitted by completion deadline for Incomplete (INC)
E	Fail	PRF	Proficient
HH	High Honors	SAT	Satisfactory
HP	High Pass	WD	Withdrew from course after drop deadline
INC	Incomplete- required course work not completed	UNS	Unsatisfactory
IP	In Progress		

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June 01, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

I am delighted to write this letter of recommendation for Carlos Larrauri. Carlos is a fascinating person with a diverse array of talents and skills. He will make a wonderful clerk.

Carlos worked in the Pediatric Advocacy Clinic during the summer of 2021. He had just finished his 1L year, where the law school was operating almost entirely remotely, and we were facing another summer of remote work. No one was excited about this, but Carlos brought excellent energy to his experience and the focus necessary to learn as much as he could from it.

Students in the clinic represent low income families on legal issues connected to child health and wellbeing. They work in an interdisciplinary team of social workers, physicians, and lawyers in an effort to address social determinants of health. During the regular semester, students take a class alongside their clinic work. Over the summer, students work in the clinic as a full-time job. Carlos' background in healthcare and in mental health specifically made me excited to have him as a student in the clinic. He did not disappoint.

Carlos worked on a number of cases over the summer. I'll describe one in particular because it showcases his skills. The clinic was representing a survivor of domestic violence, originally from Bangladesh, who was seeking a personal protection order against her husband. The case was complicated because the client had experienced an enormous amount of trauma and also had significant mental health concerns. Her husband had recently had guardianship over her and the clinic had helped her get that guardianship terminated. Now she wanted protection from her husband's abuse as well as a divorce and custody of her daughter. Carlos was the perfect person to put on this case. He was able to deftly navigate the many cultural and mental health issues that working with this client presented. He counseled her with skill and kindness and prepared her to testify in her trial. Carlos wrote direct and cross examination questions and conducted the direct examination and cross examination of multiple witnesses. One of the witnesses was the client's 22-year-old son. Carlos was particularly sensitive to him and the issues surrounding testifying in a case between two parents.

In addition to Carlos' high quality work on his cases, he was a cheerful and calming presence for the other clinic students when we met weekly over zoom. He shared his insights about the clinic's many ongoing cases and helped his fellow students think about them more holistically. Carlos is also exceptionally organized – he managed to work a second job during the summer without letting anything slip through the cracks. With his multiple degrees, his extensive advocacy and counseling experience, and his passion for helping others, I can't wait to see what he does with his legal career. Starting that career with a clerkship seems like the perfect first step. I recommend him highly.

Please let me know if you need any additional information from me.

Sincerely,

Debra Chopp

University of Michigan Law School
Clinical Professor of law
Associate Dean for Experiential Education
Director, Pediatric Advocacy Clinic
(734) 763-1948
dchopp@umich.edu

Debra Chopp - dchopp@umich.edu - 734-763-1948



HARVARD LAW SCHOOL

CAMBRIDGE · MASSACHUSETTS · 02138

PROFESSOR MICHAEL STEIN

*Executive Director,
Harvard Law School Project on Disability*

*Austin Hall 305
1515 Massachusetts Avenue
617-495-1726; mastein@law.harvard.edu*

March 30, 2023

Dear Judge:

I am co-founder and Executive Director of the Harvard Law School Project on Disability and a Visiting Professor at Harvard Law School since 2005, and have known Carlos Larrauri since he began his master's in public administration in the fall of 2021 at the Harvard Kennedy School, where he received a Zuckerman Fellowship from Harvard's Center for Public Leadership in recognition of his demonstrated service and leadership potential. Carlos was in my HKS Disability Law and Policy class, where he was among the brightest and most passionate students. Even among the highly ambitious and dynamic group that HKS attracts, Carlos is a stand-out, both academically and as a leader. In the semesters since, Carlos and I have worked closely on several academic projects.

I have been particularly struck by Carlos's exceptional ability to meld practical experience with legal and policy analysis and to understand and anticipate the practical implications of law and policy decision making. He possesses a rare combination of incisive thought leadership, multidisciplinary training, and strong written and oral advocacy.

We recently published both a short book review and an article entitled *HIPAA vs. Ethical Care: Accounting for Privacy with Neuropsychiatric Impairments* that was featured on the cover issue of PSYCHIATRIC TIMES. Carlos's research and writing are notable for their high level of reasoning and care. He articulates legal arguments with clarity and force, skillfully balancing careful research, rigorous analysis, and persuasive writing. Additionally, Carlos consistently demonstrates professionalism and maturity in working with colleagues. His dedication to the study of law, strong work ethic, and congeniality makes him an excellent candidate for a clerkship. I believe he will reflect well upon your chambers now and in the future.

Please do not hesitate to contact me should you have any questions about Carlos.

Yours sincerely,

Michael Stein

UNIVERSITY OF MICHIGAN LAW SCHOOL
625 South State Street
Ann Arbor, Michigan 48109-1215

Gabriel S. Mendlow
Professor of Law and Professor of Philosophy

June 06, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

I am delighted to recommend Carlos Larrauri for a clerkship. After a strong performance in my 1L Criminal Law class at Michigan, Carlos took on two credits of independent research assisting me with a book project on criminal law and freedom of thought. He quickly established himself as one of the finest research assistants I have ever employed. Given the exceptional quality of his work product and his high degree of professionalism, I am confident that Carlos would make a wonderful law clerk. If I were a judge, I would hire him without hesitation.

An accomplished mental health practitioner pursuing both a J.D. at Michigan and a Master of Public Administration at Harvard, Carlos possesses knowledge and experience that are very rare for a law student. Carlos is a psychiatric registered nurse who has worked not only as a front-line clinician treating the most challenging patient populations, but also as a clinic director, a pharmaceutical researcher, a clinical instructor, a lecturer, and a published author. Building on this formidable foundation, Carlos has used his time at Michigan and Harvard to develop expertise in mental health law and policy. While I have found that law students with advanced training in another field and significant prior work experience sometimes have trouble learning how to think, write, and reason like a lawyer, Carlos has distinguished himself as a legal researcher and writer, having served as a Senior Editor of the Michigan Law Review. He is, in short, a talented lawyer-to-be—not to mention a conscientious, hardworking, and humble co-worker.

Capable of conducting expert-level research at the intersection of three fields—health law, health policy, and psychiatry—Carlos was uniquely qualified to provide the assistance I needed for a research project on the legal and ethical implications of coercion and forced treatment in mental healthcare. He wrote several outstanding memoranda integrating disparate topics that very few people could have handled as expertly as he did—from analytical summaries of the case law governing restoration of trial competency to lucid synopses of research on the phenomenology and subjective experiences of patients who had been subjected to forced psychotropic medication. Each of Carlos' first drafts was as well-written, impeccably-sourced, and tightly organized as material for which I would gladly award a grade of A.

Most impressive about Carlos is the depth of his commitment to reforming the law, policy, and practice of mental health. As a practitioner, Carlos has worked to provide compassionate and culturally competent care to patients with mental health conditions. As a policy advocate, he has argued for policies that promote mental health parity and expand access to much needed services. As a budding lawyer, he is committed to a career in healthcare advocacy. I am genuinely excited to see what he accomplishes in the years ahead.

As you can see, I think very highly of Carlos. It is difficult for me to describe Carlos' professionalism and maturity without sounding hyperbolic. He would be a dream to have in chambers.

Please don't hesitate to contact me if you have any questions.

Sincerely,

Gabriel S. Mendlow

Gabriel Mendlow - mendlow@umich.edu - 734-764-9337

UNIVERSITY OF MICHIGAN LAW SCHOOL
625 South State Street
Ann Arbor, Michigan 48109-1215

W. Nicholson Price II
Professor of Law

May 30, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

I write to enthusiastically recommend Carlos Larrauri for a clerkship in your chambers. Carlos is a bright, tremendously motivated, energetic student who will be an asset to chambers.

Carlos was a student in my Innovation in the Life Sciences seminar in Fall 2022. The seminar asks students to master a complex body of literature about the different bodies of law influencing biomedical innovation, from patent law to FDA law to insurance reimbursement policy. It's complicated, and I demand a lot of the students: mastering hard readings, self-directed class contribution, and high-quality writing. Carlos was a frequent class contributor; his comments were smart, incisive, and interesting. And when he was wrong, he was good about recognizing it. All of this bodes well for his possibilities as a clerk.

I want to single out Carlos' term paper. I give my seminar students the option to write a term paper or several shorter responses; Carlos chose the paper. He was sharp in coming up with early, interesting possibilities, discussed them with me thoughtfully, and leapt into the topic he chose: inadequate incentives and development challenges for drugs to treat serious mental illness. His first draft was well written, well formatted, and well sourced—and well short of the mark in terms of making a convincing argument. I gave him tough criticism, suggesting major structural changes, big cuts, and new emphases. I didn't give him the answers, but I pointed out big problems. And I was truly, delightfully surprised by how well he responded to my critiques. His revised draft was terrific; much, much better, convincing, polished, and interesting. I recommended that he try to publish it (and indeed, I know he has been publishing elsewhere as well). Carlos' willingness to work hard to improve a paper that was polished but flawed is a real strength, and one that I think is an excellent one in a clerk. Clerking involves a steep learning curve, and I think Carlos will charge up that learning curve at full speed.

I'd be remiss if I didn't mention a bit about Carlos' path. He's a first-gen student, and he's absolutely passionate about healthcare advocacy. I think he's going to be an excellent, driven lawyer, and that clerking will be an important step in his professional development.

Finally, personally Carlos has been great to work with. He's unfailingly polite and professional; comes into meetings ready to go and move tasks forward; writes careful, succinct, emails; and is generally very efficient while still being warm and engaged. It makes things very easy.

It should be clear that I think highly of Carlos. He's smart, hard-working, and very focused. I suspect he will make a very good clerk, and I hope you take the time to meet him and see for yourself.

Thank you for taking the time to read this letter; if you have any other questions, or if there's anything else I can usefully say, please don't hesitate to contact me at 301-467-0643 or wnp@umich.edu.

Sincerely yours,

W. Nicholson Price II
Professor of Law
University of Michigan Law School

Carlos A. Larrauri

9818 SW 94th Terrace, Miami, FL 33176
(305) 510-9196 • larrauri@umich.edu

Writing Sample #1

I wrote this memo for my first-semester legal research and writing class. The hypothetical case involved the fictional Reasonable Accommodations Action Network (RAAN) suing Southern Michigan University (SMU) for violating the Michigan Freedom of Information Act (MFOIA). SMU denied an MFOIA request for student data (SMUID numbers) based on the “personal privacy” exemption of MFOIA. As such, I analyzed whether SMU could meet both elements of the “personal privacy” exemption under MFOIA. This memorandum is my work product and has not been edited by other persons.

Carlos A. Larrauri
Writing Sample #1

BRIEF ANSWER

The issue is whether the Michigan Freedom of Information Act's personal privacy exemption protects the SMUID numbers. They are likely not protected. Two elements are necessary to exempt information from public disclosure. First, the information must consist of a "personal nature," and second, disclosing such information must constitute a "clearly unwarranted" invasion of privacy. A court may find that the information does not constitute a clearly unwarranted invasion of privacy because the disclosure would shed light on whether SMU is performing its statutory duty by treating students with reasonable accommodations requests fairly.

STATEMENT OF FACTS

The Reasonable Accommodation Advocacy Network is a disability rights watchdog group. It has filed an MFOIA request with Southern Michigan University to determine if the university was withholding information regarding students' requests for reasonable accommodations.

Previously, SMU had announced the creation of the REACT study to audit SMU's resources for students who request reasonable accommodations under the Americans with Disabilities Act. SMU hired Professor Theo Dun to determine how many SMU students had requested reasonable accommodations in the last three years and how many requests had been accepted or denied. Professor Dunn found that SMU approved only approximately 16% of SMU students who requested reasonable accommodations under the ADA in the last three years.

Professor Dunn subsequently distributed a spreadsheet to the SMU administration and the Board that included a list of the students used in the study to explain how he reached his results. The spreadsheet did not list the students' names, information regarding the students' accommodation requests, the medical information submitted with the requests, or whether the accommodation requests were granted or denied. After Professor Dunn presented his results, SMU President Julie Parker sent an email to the SMU administration and the Board instructing them not

Carlos A. Larrauri
Writing Sample #1

to discuss the results and to blame the budget for the delay in reporting them. When asked on air about the results of the REACT study, President Parker said, “The REACT study is currently on hold as we are determining the budget for next year. I can’t give any more information about it at this time.”

Shortly after, RAAN received an anonymous tip that SMU’s REACT study results were being kept from the public because the results were not favorable for SMU. At this point, RAAN filed its MFOIA request asking for SMU to disclose Professor Dunn’s findings, including the spreadsheet he presented to the administration and the Board. Southern Michigan University promptly responded to RAAN’s MFOIA request. It declined to disclose the spreadsheet to RAAN, asserting that disclosing Professor Dunn’s materials would reveal personal information about SMU students because there were various ways for tracing back SMUID numbers to the students’ identities. For example, the student information can be traced back to students’ names and email addresses through the SMU online directory. The SMU online directory is accessible to the public through the SMU library portal.

Instead, SMU proposed disclosing the spreadsheet to RAAN with all the SMUID numbers redacted; however, RAAN refused, explaining that some professors had committed recent fraud on similar studies. Further, RAAN explained to SMU that they required the SMUID numbers list to verify that each student used in the study was a real student who attended SMU. They explained that it did not intend to link the SMUID numbers with student identities, but instead, it would be analyzing the SMUID numbers themselves to check for numerical consistency and statistical regularity. Southern Michigan University again refused to disclose the unredacted spreadsheet, citing the personal privacy exemption of MFOIA, and stated that it was its final determination to deny the MFOIA request.

Carlos A. Larrauri
Writing Sample #1

DISCUSSION

The issue is whether SMU can withhold the requested SMUID numbers under the privacy exemption of the MFOIA. According to the Michigan statute:

It is the public policy of this state that all persons . . . are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and public employees, consistent with this act. The people shall be informed so that they may fully participate in the democratic process.

Mich. Comp. Laws § 15.231 (2018). The MFOIA is a pro-disclosure statute that a public body should interpret broadly to allow public access. *Id.* A public body may be exempt from disclosure of a public record, but it should interpret MFOIA exemptions narrowly to prevent undermining its disclosure provision. *Booth Newspapers, Inc. v. Univ. of Mich. Bd. of Regents*, 507 N.W.2d 422, 431 (1993). Furthermore, the burden of proving the need for the exemption applies to the public body. *Id.*

A public body may exempt from disclosure “[i]nformation of a personal nature if public disclosure of the information would constitute a clearly unwarranted invasion of an individual’s privacy.” Mich. Comp. Laws § 15.243. A plain meaning analysis establishes that two elements are necessary to exempt information from public disclosure. *Booth*, 507 N.W.2d at 431. First, the information must consist of a “personal nature,” and second, disclosing such information must constitute a “clearly unwarranted” invasion of privacy. *Id.*

This memo will analyze the privacy exemption’s applicability. It will not scrutinize whether the student information constitutes a public record or if SMU constitutes a “public body.” Additionally, it will not examine any other exemption that SMU may invoke to withhold the student information. Southern Michigan University may be unable to protect the information from RAAN. The student information consists of a personal nature because it can be linked to individuals and associated with their request for reasonable accommodations. However, disclosing it does not constitute a clearly unwarranted invasion of privacy because it would provide the public insight into SMU’s performance of its statutory duty to treat students with accommodations requests fairly.

Carlos A. Larrauri
Writing Sample #1

I. Personal Nature.

The SMUID numbers consists of a personal nature because RAAN can connect the information to individuals. When determining whether the information is of a personal nature, it is necessary to decide whether it is embarrassing, intimate, private, or confidential. *Mich. Fed'n of Tchr. & Sch. Related Pers. v. Univ. of Mich.*, 753 N.W.2d 28, 40 (2008). Furthermore, in determining whether the information is embarrassing, intimate, private, or confidential, it is necessary to consider the community's customs, mores, and ordinary views. *Booth*, 507 N.W.2d at 432. Lastly, the information must be associated with an individual to be embarrassing, intimate, private, or confidential. *Id.*

For example, in *Larry S. Baker*, the court found that the addresses of injured persons, or persons who had been potentially injured or killed in automobile accidents, were of a personal nature because the law firm seeking the records could identify the victims from the addresses. *Larry S. Baker, P.C. v. City of Westland*, 627 N.W.2d 27, 30 (2001). A law firm sued a city after it denied a Freedom of Information Act request for addresses of injured persons and persons potentially injured or killed in automobile accidents. *Id.* at 28. The firm then revised its request, asking for only the addresses of persons and arguing that since the city would redact the names, there would be insufficient identifying characteristics. *Id.* at 30. The court did not find this argument compelling. It reasoned that having been involved in an automobile accident is an embarrassing fact and that an address is a sufficiently identifying characteristic associated with an individual. *Id.*

Second, in addition to being connected to an individual, the information would be embarrassing, intimate, private, or confidential if the information is the kind that someone would choose not to disclose. *ESPN, Inc. v. Mich. State Univ.*, 876 N.W.2d 593, 597 (2015).

For example, in *Mager*, the court focused on whether associating the names with gun ownership is potentially embarrassing, intimate, private, or confidential if disclosed. *Mager v. Dep't of State Police*, 595 N.W.2d 142, 147 (1999). An advocate requested the university police provide him

Carlos A. Larrauri
Writing Sample #1

with a list of names and addresses of persons who owned registered handguns. *Id.* at 143. However, the court held that those names were associated with gun ownership, an intimate and potentially embarrassing detail of one's life. *Id.* at 144. As such, the list constituted information of a personal nature since a citizen's decision to purchase and maintain firearms is a personal choice, and disclosing is typically a private decision. *Id.* at 143.

In our case, student information consists of a personal nature because it can be coupled with individuals and reveal potentially embarrassing, intimate, private, or confidential information that someone would typically choose to disclose. Here, the SMUID numbers can be associated with specific individuals through their names and email addresses. As such, the facts in our case are similar to *Larry S. Baker*, where the court determined an address was sufficient information for associating with a particular person. The student information can be easily traced back to students' names and email addresses through the public SMU online directory, and thus, it can be readily associated with individuals.

Furthermore, RAAN can use the individuals' names and email addresses to identify which individuals have requested reasonable accommodations from SMU. Accordingly, RAAN's case is akin to *Mager*, where the individuals' names could be easily associated with potentially embarrassing, intimate, private, or confidential information, such as gun ownership. Here, the student information can be linked to students who have requested accommodations under the ADA within the past three years. Although the request would not contain any information about the basis of the request or the type of accommodation requested, a general inquiry into a history of seeking accommodations can still be considered information potentially embarrassing, intimate, private, or confidential. Further, disclosing accommodations requests is often a private decision, and as such, the student information consists of a personal nature.

Carlos A. Larrauri
Writing Sample #1

Furthermore, the counter-argument that disclosing the student information to the university constitutes a public disclosure on behalf of the students is unlikely to persuade the court. Even if the information has been disclosed or is otherwise public, it does not mean the students consent to its disclosure in the context of RAAN's request. *Mich. Fed'n of Tchrs.*, 753 N.W.2d 28, 40 (“[D]isclosure of information of a personal nature into the public sphere in certain instances does not automatically remove the protection of the privacy exemption and subject the information to disclosure in every other circumstance.”).

In sum, the student information consists of a personal nature because it can be connected to individuals and associated with potentially embarrassing, intimate, private, or confidential information that someone would typically decide whether to disclose.

II. Clearly Unwarranted.

Nevertheless, disclosing such information does not constitute a clearly unwarranted invasion of privacy because the disclosure would provide the public insight into whether SMU treats students with reasonable accommodations requests fairly. When determining whether disclosure of information constitutes a clearly unwarranted invasion of privacy, courts need to balance the public interest in disclosure against personal privacy protection. *Mager*, 595 N.W.2d at 146. The public interest in disclosure is satisfied when the disclosure would serve FOIA's core purpose — contributing significantly to an understanding of the government's operations or activities. *Id.* In all but a limited number of circumstances, public interest in government accountability must prevail over individuals' or groups' privacy expectations. *Prac. Pol. Consulting v. Sec'y of State*, 789 N.W.2d 178, 193 (2010). Thus, if the information provides the public insight into the agency's statutory duty, it will constitute a warranted invasion of privacy, even if it is personal information. *Id.*

For example, in *ESPN*, the court determined that disclosing the records of incident reports involving student-athletes did not constitute a clearly unwarranted invasion of privacy because the

Carlos A. Larrauri
Writing Sample #1

report served the public understanding of the university's police department's operations. *Id.* at 597.

A sports television network sought the information to learn whether the policing standards were consistent and uniform at the university. *Id.* Disclosure of the students' names was necessary to determine whether student-athletes were treated differently from the general population because they participated in a particular sport or their renown. *Id.* Thus, the disclosure of names was necessary to shed light on the agency's statutory duty, even if the suspects' names in the reports amounted to information of a personal nature. *Id.*

In RAAN's case, disclosing such information does not constitute a clearly unwarranted invasion of privacy because it would further the public's understanding of SMU's treatment of students requesting reasonable accommodations. Correspondingly, RAAN's case is like *ESPN*, where disclosing student-athlete names helped the public understand if the students received differential treatment from the university's police department. Here, shedding light on how SMU operates would outweigh the students' privacy interests because it would provide the public insight into SMU's statutory duty to treat students fairly. Disclosing the student information associated with the SMUIDs would shed light on SMU's treatment of students seeking reasonable accommodations and whether SMU is approving their accommodations at a reasonable rate. Southern Michigan University approved only 16% of SMU students who requested reasonable accommodations under the ADA in the last three years. Furthermore, against the backdrop of universities' previous fraudulent activities with similar studies and lack of transparency, RAAN's request could conceivably lead to an informative inquiry and greater public accountability concerning how SMU treats students with reasonable accommodations requests.

In sum, the disclosure of student names does not constitute a clearly unwarranted invasion of privacy because the disclosure would provide the public insight into SMU's performance of its statutory duty regarding its treatment of students with reasonable accommodations requests.

Carlos A. Larrauri
Writing Sample #1

CONCLUSION

It is unlikely that Southern Michigan University can withhold the information from RAAN. Although the information constitutes information of a personal nature, the disclosure of the information does not constitute a clearly unwarranted invasion of privacy.

Applicant Details

First Name **Taylor**
 Last Name **Lawing**
 Citizenship Status **U. S. Citizen**
 Email Address taylor.b.lawing@vanderbilt.edu
 Address

Address

Street
905 20th Ave S #906
 City
Nashville
 State/Territory
Tennessee
 Zip
37203
 Country
United States

Contact Phone Number **7048042530**

Applicant Education

BA/BS From **University of North Carolina-Chapel Hill**
 Date of BA/BS **December 2019**
 JD/LLB From **Vanderbilt University Law School**
<http://law.vanderbilt.edu/employers-cs/judicial-clerkships/index.aspx>
 Date of JD/LLB **May 11, 2024**
 Class Rank **School does not rank**
 Law Review/Journal **Yes**
 Journal(s) **Vanderbilt Law Review**
 Moot Court Experience **No**

Bar Admission

Prior Judicial Experience

Judicial Internships/
Externships **No**
Post-graduate Judicial
Law Clerk **No**

Specialized Work Experience

Recommenders

Bressman, Lisa
lisa.bressman@vanderbilt.edu
615-343-6132
Sitaraman, Ganesh
ganesh.sitaraman@vanderbilt.edu
615-322-6761
Fritz, Kristine
Kristine.Fritz@usdoj.gov

This applicant has certified that all data entered in this profile and any application documents are true and correct.

Taylor Breeze Lawing
905 20th Avenue S, Apt. 906
Nashville, TN 37203

June 12, 2023

The Honorable Jamar K. Walker
United States District Court for the Eastern District of Virginia
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510

Dear Judge Walker:

I am writing to be considered for a clerkship during the 2024-2025 term. I am a third-year law student at Vanderbilt, where I serve as a Notes Editor for the VANDERBILT LAW REVIEW. As an aspiring public servant, I would benefit greatly from a clerkship in your chambers and from the opportunity to serve the Eastern District.

My organizational, research, and writing skills prepare me to contribute meaningfully to the court. At the Federal Communications Commission, I create digestible briefing sheets for Commissioner Geoffrey Starks's upcoming votes, including the recent Order to waive the budget control mechanism for rate-of-return carriers. This experience has enhanced the clarity of my writing, as my weekly assignments include consolidating research about an upcoming Commission vote into a concise summary of the relevant topic. During my internship with the United States Attorney's Office, I authored complex response briefs filed in the Fourth Circuit Court of Appeals and researched topical issues, including the scope of 404(b) evidence and convictions under the Armed Career Criminal Act. Throughout that experience, I sought out and incorporated constructive criticism to continually improve my brief writing. While I worked for the Biden and Bloomberg campaigns during the 2020 election cycle, I strengthened my time management skills and attention to detail while planning high profile events for presidential candidates and organizing contracts for event space. This administrative role prepared me to serve as a law clerk in a range of ways, and I have seen how my carefully honed attention to detail has been valuable for issue spotting and meeting the rigorous demands of law school.

I would appreciate the opportunity to interview. Enclosed please find my resume, writing sample, and law school transcript. Three letters of recommendation from Dean Lisa Bressman, Assistant United States Attorney Kristine Fritz, and Professor Ganesh Sitaraman are also included in my application. I can be reached by phone at (704) 804-2530 or by email at taylor.b.lawing@vanderbilt.edu. Thank you for your consideration.

Sincerely,



Taylor Lawing

TAYLOR B. LAWING

905 20th Ave S, Nashville, TN 37203 | (704) 804-2530 | taylor.b.lawing@vanderbilt.edu

EDUCATION

VANDERBILT LAW SCHOOL Nashville, TN
 Candidate for *Doctor of Jurisprudence* May 2024
GPA: 3.625
Journal: Notes Editor, VANDERBILT LAW REVIEW
Honors: Dean's List; 2023 Student Organization Community Service Award; Branstetter Summer Fellow
Activities: President, Women Law Students Association; Member, Vanderbilt First Generation Lawyers

THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL Chapel Hill, NC
Bachelor of Arts, History; Bachelor of Arts, Women's and Gender Studies December 2019
GPA: 3.85 (Dean's List 2016-2019, Phi Beta Kappa)
Activities: Editor-in-Chief, Cellar Door Literary Magazine

EXPERIENCE

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES Washington, DC
Legal Intern Fall 2023

FEDERAL COMMUNICATIONS COMMISSION Washington, DC
Legal Intern, Office of Commissioner Geoffrey Starks Summer 2023

- Authored weekly briefing statements for upcoming Commission votes, including the Order waiving the budget control mechanism for rural telecommunications carriers.
- Researched legislation connected to broadband connectivity and prepared the Commissioner for his reconfirmation hearing in the Senate.

RESEARCH ASSISTANT Nashville, TN
Dean Lisa Schultz Bressman Fall 2022 – Spring 2023

- Conducted research on the intersection of Bankruptcy courts and federal administrative agencies.
- Compiled cases and agency memoranda for the new edition of The Regulatory State casebook.

U.S. ATTORNEY'S OFFICE FOR THE EASTERN DISTRICT OF NORTH CAROLINA Raleigh, NC
Legal Intern, Appellate Division Summer 2022

- Drafted seven briefs filed with the Fourth Circuit Court of Appeals.
- Researched and prepared a motion to exclude expert testimony.
- Performed supplementary research for attorneys in the Appellate, Civil, and Criminal divisions.

PROJECT N95 Raleigh, NC
Press and Communications Coordinator Winter 2020 – Spring 2021

- Led external communications with members of the press and organized interviews.
- Developed fundraising plan and organized weekly press conferences with national and local media.

BIDEN FOR PRESIDENT Raleigh, NC
Campaign Advance Contractor Fall 2020

- Served as Crowd Lead, managing guests' arrival and departure, for Vice President Kamala Harris's events.
- Managed 30 volunteers and was responsible for clearly communicating the campaign's talking points and goals.

MIKE BLOOMBERG 2020 New York, NY
Campaign Advance Contractor Winter 2019 – Spring 2020

- Planned and executed 15 events for the Mike Bloomberg 2020 campaign, including 3,000-person rallies.
- Coordinated press logistics and worked alongside state communications teams to prepare media interviews.

PUBLICATIONS, COMMUNITY INVOLVEMENT, & INTERESTS

- Avoiding a "Nine-Headed Hydra": Intervention as a Matter of Right by Legislators in Federal Lawsuits After *Berger* – publication forthcoming in January 2024 issue of VANDERBILT LAW REVIEW.
- Volunteer with Safe Haven Family Shelter, 2022-2023.
- Enjoy Pilates, gardening, Gilded Age Politics, and fantasy football.

OFFICE OF THE UNIVERSITY REGISTRAR
NASHVILLE, TENNESSEE 37240

VANDERBILT UNIVERSITY

Name : Taylor Breeze Lawing
Student # : 000445803
Birth Date : 11/02

Information contained in this document is confidential and should not be released to a third party without the written permission of the student.
A black and white document is not official.

Date: 06/07/2023

Academic Program(s)

Law J.D.
Law Major

Law Academic Record (4.0 Grade System)

					2021 Fall
LAW	6010	Civil Procedure	4.00	B+	13.20
Instructor:		Ingrid Wueth			
LAW	6020	Contracts	4.00	B+	13.20
Instructor:		Owen Jones			
LAW	6030	Criminal Law	3.00	B+	9.90
Instructor:		Christopher Slobogin			
LAW	6040	Legal Writing I	2.00	A	8.00
Instructor:		Elon Slutsky			
		Jennifer Swezey			
		Anvitha Yalavarthy			
LAW	6060	Life of the Law	1.00	P	0.00
Instructor:		Timothy Meyer			
		Sara Mayeux			

					2022 Fall
LAW	5750	Law Review	0.00	P	0.00
Instructor:		Jennifer Shinall			
LAW	7000	Administrative Law	3.00	A-	11.10
Instructor:		Kevin Stack			
LAW	7078	Constitutional Law I	4.00	B+	13.20
Instructor:		Matthew Shaw			
LAW	7221	Human Trafficking Short Course	1.00	P	0.00
Instructor:		Michael Newton			
		John Richmond			
LAW	7534	Networks, Platforms, Utilities	4.00	A-	14.80
Instructor:		Ganesh Sitaraman			
		Phillip Ricks			
LAW	7800	Research Asst for Credit	2.00	P	0.00
Instructor:		Lisa Bressman			

	EHRS	QHRS	QPTS	GPA
SEMESTER:	14.00	11.00	39.10	3.554
CUMULATIVE:	45.00	41.00	145.90	3.558

Term Honor:

Dean's List

2023 Spring

	EHRS	QHRS	QPTS	GPA
SEMESTER:	14.00	13.00	44.30	3.407
CUMULATIVE:	14.00	13.00	44.30	3.407

Dean's List

2023 Spring

					2022 Spring
LAW	6050	Legal Writing II	2.00	A-	7.40
Instructor:		Elon Slutsky			
		Anvitha Yalavarthy			
LAW	6070	Property	4.00	B+	13.20
Instructor:		John Ruhl			
LAW	6080	Regulatory State	4.00	A	16.00
Instructor:		Lisa Bressman			
LAW	6090	Torts	4.00	A-	14.80
Instructor:		Edward Cheng			
LAW	8020	Adv Topics Int'l Humanitarian	3.00	A-	11.10
Instructor:		Michael Newton			

	EHRS	QHRS	QPTS	GPA
SEMESTER:	17.00	17.00	62.50	3.676
CUMULATIVE:	31.00	30.00	106.80	3.560

LAW	5750	Law Review	1.00	P	0.00
Instructor:		Jennifer Shinall			
LAW	7038	Election Law Campaign Finance	3.00	A-	11.10
Instructor:		Kevin Stack			
LAW	7071	Communications Law and Policy	1.00	P	0.00
Instructor:		Paul Werner			
LAW	7114	Corporations	3.00	A-	11.10
Instructor:		Randall Thomas			
LAW	7470	Local Government Law	1.00	A-	3.70
Instructor:		Karl Dean			
LAW	7600	Professional Respons.	3.00	A	12.00
Instructor:		Mozianio Reliford			
LAW	7800	Research Asst for Credit	1.00	P	0.00
Instructor:		Lisa Bressman			
LAW	8040	Constitutional Law II	3.00	A	12.00
Instructor:		Sara Mayeux			

	EHRS	QHRS	QPTS	GPA
SEMESTER:	16.00	13.00	49.90	3.838
CUMULATIVE:	61.00	54.00	195.80	3.625

----- NO ENTRIES BELOW THIS LINE -----

Lawing
Taylor Lawing

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BART P. QUINET
ASSISTANT PROVOST
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OFFICE OF THE UNIVERSITY REGISTRAR
NASHVILLE, TENNESSEE 37240

VANDERBILT UNIVERSITY

Page 2 of 2

Name : Taylor Breeze Lawing
Student # : 000445803
Birth Date : 11/02

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A black and white document is not official.

Date: 06/07/2023

Lawing
Taylor Lawing

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Vanderbilt University
Office of the University Registrar
PMB 407701
110 21st Avenue South, Suite 110
Nashville, TN 37240-7701
615-322-7701
university.registrar@vanderbilt.edu
registrar.vanderbilt.edu

Academic Calendar: The academic year consists of fall and spring semesters and a summer term. The Doctor of Medicine program is offered on a year term.

Academic Units: Credit hours are semester hours except in the Doctor of Medicine program. Credits in the Doctor of Medicine program are course- or rotation-based.

Accreditation: Vanderbilt University is accredited by the Southern Association of Colleges and Schools.

Release of Information: This document is released at the request of the student and in accordance with the Family Educational Rights and Privacy Act of 1974. It cannot be released to a third party without the written consent of the student.

Course Numbers (effective Fall 2015):

0000-0999 Non-credit, non-degree courses;

do not apply to degree program

0800-0999 Courses that will eventually be given credit (e.g., study abroad)

1000-2999 Lower-level undergraduate courses

3000-4999 Upper-level undergraduate courses

5000-5999 Introductory-level graduate and professional courses (including those co-enrolled with undergraduates)

6000-7999 Intermediate-level graduate and professional courses

8000-9999 Advanced-level graduate and professional courses

Additional information on course numbering is available at registrar.vanderbilt.edu/faculty-staff/course-renumbering/.

Course Numbers (prior to Fall 2015):

100- and 1000-level courses are primarily for freshmen and sophomores. May not be taken for graduate credit.

200- and 2000-level courses are normally for juniors and seniors. Selected courses may be taken for graduate credit.

300-, 3000-, and above-level courses are for graduate and professional credit only - unless special permission is granted.

Grading Systems:

For information about grading systems in place prior to the dates listed, visit registrar.vanderbilt.edu/transcripts/transcript-key/.

College of Arts and Science (A&S), effective Fall 1982;

Blair School of Music (BLR), effective Fall 1986;

Divinity School (DIV), effective Fall 1983;

Division of Unclassified Studies (DUS), effective Fall 1982;

School of Engineering (ENG), effective Fall 1991;

Graduate School (GS), effective Fall 1992;

School of Medicine (MED), effective Fall 1988;

School of Medicine (MED), Medical Masters and

other Doctoral Programs, effective Fall 2010;

School of Nursing (NURS), effective Fall 2007;

Peabody College (PC) undergraduate, effective Fall 1990;

Peabody College (PC) professional, effective Fall 1992.

A+	4.3	LAW only
A+	4.0	Not in A&S, DIV (or BLR, PC as of Fall 2012)
A	4.0	
A-	3.7	
B+	3.3	
B	3.0	
B-	2.7	
C+	2.3	
C	2.0	
C-	1.7	
D+	1.3	Not in PC professional, NURS (or GS, MED as of Fall 2011)
D	1.0	Not in PC professional, NURS (or GS, MED as of Fall 2011)
D-	0.7	Not in PC professional, MED, NURS (or GS as of Fall 2011)
F	0.0	

Owen Graduate School of Management (OGSM)

Master of Accountancy, effective Fall 2011.		All Management Programs, effective Fall 2007.	
A	4.0	SP	Superior Pass 4.0
A-	3.5	HP	High Pass 3.5
B	3.0	PA	Pass 3.0
B-	2.5	LP	Low Pass 2.5
F	0.0	F	Fail 0.0

School of Medicine (MED) Doctor of Medicine Program, effective 2003.

H	Honors	Superior or outstanding work in all aspects.
HP	High Pass	Completely satisfactory work with some elements of superior work.
P	Pass	Completely satisfactory work in all aspects.
P*	Marginal Pass	Serious deficiencies requiring additional work (temporary grade).
F	Fail	Unsatisfactory work.

Current and Cumulative Statistics:

EHR Earned Hours
QHR Quality Hours
QPTS Quality Points
GPA Grade Point Average
(calculated as GPA = QPTS/QHRS)

Other Symbols:

AB Absent from final examination (temporary grade)**
AU/AD Audit**

AW Audit Withdrawal**

CE Credit by Examination

CR Credit only (no grade due)

E Condition, with permission to retake exam (temporary grade)**

H Incomplete in Arts and Science Honors course (temporary grade)**

I Honors in Divinity School**

IP Incomplete (temporary grade)**

LP In Progress (temporary grade)**

M Low Pass (DIV, GS)**

MI Absent from final examination (temporary grade)**

NC Absent from final examination and incomplete (temporary grade)**

NO EQ No credit toward current degree**

P Transfer or study abroad coursework with no Vanderbilt equivalent

PI Pass**

PM Permanent Incomplete (DIV, GS, LAW, MED)**

R Pass-Medical (GS only)

RC Repeat of previous course

S Previous trial of repeated course**

U Satisfactory**

W Unsatisfactory**

WF Withdrawal**

WP Withdrawal while failing**

X Withdrawal while passing**

****** Grade unknown, hours earned awarded**

****** Does not affect grade point average. (Prior to Fall 2008, the AB, I, M, and MI grades were calculated as an F in A&S and PC.)

UNIV: Courses offered in the UNIV subject are University Courses.

The University Course initiative was developed to promote new and creative trans-institutional learning. For more information, please see vu.edu/university-courses.

For changes to this key since the last revision, please visit registrar.vanderbilt.edu/transcripts/transcript-key/.

Revised 5/1/2022

June 09, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

I am writing to recommend Taylor Lawing, a second-year law student at Vanderbilt Law School, for a clerkship in your chambers. Taylor was a student in my Regulatory State course last year, and based on her contribution to that course alone, I hired her as research assistant for this year. I rarely hire rising 2Ls, preferring students with more law school experience, but Taylor was the exception. She has been and continues to be exceptional not only as my research assistant but in difficult classes, involvement in various student organizations, and membership on the VANDERBILT LAW REVIEW. In additional, she is wonderful person. I believe she would be an asset to your chambers. I am pleased to provide this recommendation.

Taylor was a standout in Regulatory State. That course, offered at a handful of schools, introduces statutory interpretation and agency regulation in the first year of law school. It is a unique challenge for students whose other courses mainly are steeped in the common law. It requires comfort with a menu of options open to judges when traditional first-year courses often supply more of a checklist – for example, a meeting of the minds, consideration, breach, damages. The doctrine is also changing dramatically and at a rapid pace. Taylor embraced the challenge while many classmates expressed confusion and discomfort. She was able to digest and analyze complex material. She made connections between cases that others may not have seen. More than that, she was thoughtful in answering my questions and raising those of her own. She was not afraid to be wrong, volunteering answers to the most difficult questions, those that no court had resolved, though honestly, I cannot remember an occasion when she was not spot on.

I hired Taylor as a research assistant as soon as spring grades were in. She spent last semester researching an area of the law with which neither of us is familiar: bankruptcy. I now regard her as far more of an expert than I am, so it is fortunate that she has agreed to continue as my research assistant this semester as I build out the argument for my article. Throughout last semester, Taylor demonstrated the ability to self-start, follow complex legal trails, and ask good questions before unnecessarily spinning her wheels. She wrote me detailed memos with her research results. Although the memos are not examples of formal legal writing, they are close to the type of writing that might assist a judge in writing an opinion or appear in an excellent bench memo. I will note that Taylor received top grades in first-year Legal Research and Writing, which tends to reflect skill with formal legal writing.

Finally, Taylor is a sincerely nice person. She balances academic intensity with a warm personality, many outside interests, and practical work experiences. Initially she may come off as a bit quiet, but she lights up when talking about her work.

I believe that Taylor will make an outstanding law clerk, and I hope that you will consider interviewing her for the position. If I may provide any further information, please do not hesitate to contact me. Thank you for your consideration.

Yours sincerely,

Lisa Schultz Bressman
David Daniels Allen Distinguished Chair in Law
Vanderbilt Law School

Lisa Bressman - lisa.bressman@vanderbilt.edu - 615-343-6132

June 09, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

I write to wholeheartedly recommend Taylor Lawing for a judicial clerkship in your chambers. Taylor was a student in my class on Networks, Platforms, and Utilities in the fall of 2022.

Taylor was great in class. Networks, Platforms, and Utilities (NPU) is a new course—a revived and refashioned version of the course once called “regulated industries.” In the class, we go into a deep dive into the transportation, communications, energy, finance and banking, and tech sectors. The reading was expansive (too much, honestly), and much of it complex (e.g. electricity deregulation, payment systems). Taylor was one of the students who really stood out. She had clearly read the material well, had thought about it, and was excited to explore ideas in class discussion. She also came to office hours frequently to continue the conversation and deepen her knowledge about the material.

As for Taylor’s performance in other classes, some context may be helpful to you. We have a tough curve at Vanderbilt, and most faculty are pretty stingy about giving A’s. The classes she took are also not the easy ones (especially mine). This also speaks to who she is: she’s someone who doesn’t shy away from hard work – and performs well.

I should also say a few words about Taylor as a person. Taylor is kind, thoughtful, and easy to talk to. She is also someone who is able to execute on complex projects. As you’ve seen from her resume, she worked on an advance team for Bloomberg’s presidential campaign, one of the more stressful and logistics-heavy roles in a campaign. When she was in college, she was editor-in-chief of a literary magazine, managing 20 students. At Vanderbilt, she’s leading the Women Law Students Association, where she’s organized events on Dobbs and created a volunteer partnership with the Safe Haven Family Shelter, among other things. These experiences, I think, will serve her well in your chambers. She’ll be able to juggle multiple cases and projects – and do so with aplomb.

In short, from my experiences with Taylor, I believe she would be a great clerk. She is smart, hard-working, and curious. And she’s a kind person you’ll enjoy having around the office. I encourage you to hire Taylor Lawing as a clerk in your chambers.

If there is anything more I can tell you, feel free to contact me by email at ganesh.sitaraman@vanderbilt.edu.

Sincerely,

Ganesh Sitaraman

Ganesh Sitaraman - ganesh.sitaraman@vanderbilt.edu - 615-322-6761

June 09, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

I am pleased to recommend Taylor Lawing for the position of law clerk in your chambers. During the summer of 2022, Taylor worked as a full-time law intern with the Appellate Division of the U.S. Attorney's Office for the Eastern District of North Carolina, reporting directly to me. During her internship, she drafted several briefs and motions, conducted legal research for various Assistant U.S. Attorneys, and observed courtroom proceedings.

Taylor tackled each assignment with enthusiasm and drafted briefs, motions, and memoranda that reflected her thorough research of legal issues and skill in crafting thoughtful arguments. Her ability to spot issues and grasp the factual nuances that might impact the potential legal arguments reflected a maturity well beyond the one-year of law school she had just completed before joining our office. With that maturity, Taylor brought substantial humility, welcoming constructive criticism and incorporating what she had learned into her subsequent works. As the summer progressed, her writing grew stronger, clearer, and more persuasive.

Taylor quickly distinguished herself through her initiative, appreciation for the role of law in society, and genuine interest in others. More than any intern I have supervised, Taylor sought out opportunities to learn from others—AUSAs, support staff, agents, and probation officers—about their areas of expertise, how they chose their career paths, and what they find most rewarding about public service. Her decision to pursue a clerkship reflects her commitment to public service based on a thoughtful consideration of all paths available to a young lawyer.

In addition to her intellectual skills, Taylor demonstrated a commitment to her community. She volunteered to assist our civil rights coordinator with community outreach and education. Upon discovering that several of our office's college interns were contemplating law school, she organized an intern lunch-and-learn to answer their questions and even now continues to be a resource for them.

Taylor will serve the legal profession and the community with distinction and humility. I highly recommend her for the position of law clerk and am confident that she would be an asset to your chambers. Please feel free to contact me at (919) 856-4854 with any questions.

Sincerely,

Kristine Fritz
Assistant U.S. Attorney, Appellate Division

Kristine Fritz - Kristine.Fritz@usdoj.gov

TAYLOR B. LAWING

905 20th Ave S, Nashville, TN 37203 | (704) 804-2530 | taylor.b.lawing@vanderbilt.edu

WRITING SAMPLE

The attached writing sample is a brief that I drafted when I was a legal intern at the United States Attorney's Office for the Eastern District of North Carolina. The assignment was to research and write a reply brief, arguing that the defendant's sentence should be affirmed because evidence of his drug trafficking was intrinsic evidence to his charged conduct of unlawfully possessing a firearm as a felon. I chose the Argument section of the brief as my writing sample. Although the sample was edited by my supervisor, Kristine Fritz, it is substantially my writing.

I am submitting the attached writing sample with the permission of the United States Attorney's Office for the Eastern District of North Carolina.

ARGUMENT

Evidence of Defendant's Narcotics Trafficking Was Quintessential Intrinsic Evidence Necessary to Tell the Story of the Crime on Trial.

A. Standard of Review.

This court reviews the district court's decision to admit 404(b) evidence for abuse of discretion, finding so only if the admittance was "arbitrary or irrational." *United States v. Haney*, 914 F.2d 602, 607 (4th Cir. 1990).

B. Discussion of Issue.

Defendant argues that the district court erroneously allowed evidence of his drug dealing and claims that this evidence is not inextricably intertwined with the charge of possession of a firearm by a felon. Brief at 7-8. Specifically, he argues that the government's evidence labelling him a drug dealer was unduly prejudicial and not admissible. Brief at 7-8, 14.

Evidence of Defendant's narcotics dealing was intrinsic to the charged offense, as it showed to the jury how he obtained the firearms, why he kept them in the apartment, and the reason for the search by probation officers. Alternatively, the same evidence is admissible under Rule 404(b) of the Federal Rules of Evidence, as it demonstrated opportunity, intent, preparation, plan, modus operandi, and identity. Either way, the evidence was properly admitted, and the district court did not abuse its discretion.

1. The Evidence Was Admissible as Intrinsic Evidence.

Evidence is intrinsic if it arose out of the same series of transactions as the charged offense, or if it is “necessary to complete the story of the crime (on trial.” *United States v. Kennedy*, 32 F.3d 876, 885 (4th Cir. 1994) (internal quotation marks and citation omitted). Evidence is also intrinsic if it is “necessary to provide context relevant to the criminal charges.” *United States v. Basham*, 561 F.3d 302, 326 (4th Cir. 2009) (citation and quotation marks omitted). When other criminal conduct is “inextricably intertwined” with charged conduct, or when it is “part of a single criminal episode,” it is intrinsic and admissible. *United States v. Chin*, 83 F.3d 83, 88 (4th Cir. 1996) (internal quotation marks omitted). Intrinsic evidence need not fall within the time period of the indictment, and it is not considered “other crimes” evidence subject to Rule 404(b). *Kennedy*, 32 F.3d at 885.

Here, evidence of Defendant’s narcotics dealing was intrinsic to telling the “story of the crime” and “necessary to provide context relevant” to the offense conduct. *Id.* First, the paraphernalia indicative of drug dealing was found with the firearms “during the same criminal episode.” *United States v. Vincent*, 316 F. App’x 275, 278 (4th Cir. 2009) (unpublished). The probation officers uncovered evidence of narcotics trafficking and the firearms in the same search of Defendant’s apartment on March 28, 2017. J.A. 64-67, J.A. 73-74. In particular, officers located a digital scale with white powder residue that field-tested positive for cocaine, approximately \$1,700, sandwich bags, some tinfoil, and latex gloves,

which in context were “indicative of the sale and delivery of illegal narcotics.” J.A. 74.

Additionally, the evidence of Defendant’s narcotics dealing provides necessary background of how and why he came to possess the firearms. As his brother Christopher told the officers, Defendant obtained the firearms from the same individual who supplied him with narcotics, paying for the weapons with the “proceeds of [Defendant’s] narcotics sales.” J.A. 180, *see* J.A. 278, ¶ 13. He carried the firearms inside the apartment, and he kept one “on him” most of the time in relation to his drug dealing. J.A. 179, *see* J.A. 278, ¶ 15. Relatedly, Defendant’s drug dealing—and Christopher’s decision to leave his legitimate job to work for his brother—provided useful insight into the brothers’ relationship and provided context for Christopher’s knowledge about the presence of the contraband throughout Defendant’s home. *See* J.A. 172-174, J.A. 176-181.

Finally, the evidence of Defendant’s drug involvement also provides the necessary background regarding the probation officer’s search on March 28, 2017. When planning Operation Spring Sweep, the probation office targeted Defendant because of his multiple positive drug tests and past charges involving weapons and/or drugs. J.A. 139. In *United States v. Brown*, this Court found that evidence of car theft was intrinsic to the charge of possession of a firearm by a felon because the theft is what led officers to initially pull over the defendant. 765 F. App’x 902, 907 (4th Cir. 2019) (unpublished). Similarly, here, Defendant’s involvement with drugs directly contributed to his probation officer’s decision to have his apartment searched. J.A. 139.

Therefore, Defendant's drug dealing was intrinsic to the charged offense of possession of a firearm by a felon.

2. Alternatively, the Evidence Was Also Admissible Under Rule 404(b).

Alternatively, the same evidence was admissible under Rule 404(b) as Defendant's drug dealing proved motive, knowledge, and absence of mistake or accident.

Even prior bad acts not considered intrinsic may still be admissible. Federal Rule of Evidence 404(b) "prohibits evidence of other crimes, wrongs, or acts solely to prove a defendant's bad character, but such evidence may be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident." *United States v. Byers*, 649 F.3d 197, 206 (4th Cir. 2011) (internal quotation marks, citations, and alterations omitted). The rule is one of "inclusion, 'admitting all evidence of other crimes or acts except that which tends to prove only criminal disposition.'" *Byers*, 649 F.3d at 206 (quoting *United States v. Young*, 248 F.3d 260, 271-72 (4th Cir. 2001)).

The test for admissibility under Rule 404(b) has three parts. First, the evidence must be relevant to an issue other than character, such as knowledge, modus operandi, or intent. *United States v. Siegel*, 536 F.3d 306, 317 (4th Cir. 2008). Evidence is relevant if it has "a tendency to show that any consequential fact is more probable or less probable than it would be without the evidence." *United*

States v. Robinson, 583 F. App'x 86, 89 (4th Cir. 2014) (unpublished) (citing *United States v. Aramony*, 88 F.3d 1369, 1377 (4th Cir. 1996)).

Second, the evidence must be “necessary,” in that it is an essential part of the crimes on trial or furnishes part of the context for the crimes. *Siegel*, 536 F.3d at 319. That the evidence was “not critical to the prosecution’s case [] does not render it unnecessary for purposes of Rule 404(b).” *United States v. Rooks*, 596 F.3d 204, 211 (4th Cir. 2010).

Finally, the evidence must be reliable. *Siegel*, 536 F.3d at 317. And evidence admitted under Rule 404(b) must also satisfy the general requirement in Rule 403 that the probative value of evidence must not be “substantially outweighed” by unfair prejudice. *Id.* at 319.

Here, the evidence at issue met Rule 404(b)’s rule of “inclusion.” *Byers*, 649 F.3d at 206. First, the evidence was used for purposes other than Defendant’s character. It was included to show Defendant’s knowledge and intent in keeping the firearms at his apartment. He knowingly kept the firearms in his apartment during drug dealings, and he carried the handgun on his person most of the time. J.A. 179; *see* J.A. 278, ¶ 15. Second, the evidence was essential to providing the jury with the context of the crime. He was chosen for this search because of his previous drug/weapons charges and “positive drug screens.” J.A. 139. During the search of the apartment, they found drug paraphernalia throughout the residence and firearms in the upstairs bedrooms. J.A. 139, J.A. 64-66. Moreover, this evidence also shed light on why Defendant had the weapons in his apartment, which was related to the narcotics. J.A. 180. Without this

evidence, the jurors would have lacked necessary background on why the search occurred, and why Defendant possessed the firearms.

Lastly, the evidence was reliable. Defendant's brother testified that he not only witnessed Defendant purchase the guns from his drug supplier, but he also worked for Defendant to deliver drugs to purchasers. J.A. 173-174, J.A. 176, J.A. 180. He saw firsthand how Defendant trafficked narcotics from their apartment and knew of the plans to sell the firearms in New Jersey. *See* J.A. 179-81, J.A. 278, ¶ 13. Defendant argues that his brother's testimony is unreliable because he changed details of the testimony in later conversations with officers. Brief at 11-12. However, his brother has consistently stated that Defendant possessed the firearms and trafficked narcotics for a period of months prior to the sweep on March 28, 2017. J.A. 180, J.A. 278, ¶¶ 13-15. Further, the physical evidence found during the search supports Defendant's involvement in drug dealing. Officers located a digital scale with white powder residue that field-tested positive for cocaine, sandwich bags, some tinfoil, and latex gloves. J.A. 74. In addition to this paraphernalia, officers also discovered over \$9,000 in cash. J.A. 292, ¶ 6. Defendant was unemployed, and, according to Christopher, selling drugs was his sole source of income. J.A. 181, J.A. 292, ¶ 6. Therefore, the evidence of drug dealing described by Defendant's brother is reliable.

3. In Any Event, the Evidence of Defendant's Guilt Was Overwhelming.

Even if this Court finds the 404(b) evidence to be erroneously admitted, it will not reverse if the error was harmless. *United States v. Weaver*, 282 F.3d 302,

313-14 (4th Cir. 2002). This Court determines that an error is harmless if “[the panel] can say with fair assurance, . . . that the judgment was not substantially swayed by the error.” *United States v. Wilson*, 624 F.3d 640, 652 (4th Cir. 2010). Because the burden falls on the Government to prove that an error was harmless, the court evaluates the “overall strength of the government’s evidence.” *Brown*, 765 F. App’x at 907. If “clear and overwhelming” evidence of Defendant’s guilt exists, then the court will deem the error harmless. *Id.*

Here, the evidence of Defendant’s drug dealing did not “substantially” alter the judgment because the evidence of Defendant’s possession of a firearm as a felon was “convincing and overwhelming.” *Brown*, 765 F. App’x at 907. When officers arrived to search his residence, there was an unexplained delay before Defendant opened the door. J.A. 52. In an apparent effort to distance himself from the firearms, Defendant hid them under the air mattress used by his brother when he stayed over, and he locked the door. J.A. 55-58, J.A. 220. Still, when officers searched Defendant’s back bedroom, they located a box of .380 caliber ammunition specifically designed for use in the special Smith & Wesson Body-guard handgun. J.A. 68-73. Defendant was the only occupant home during the search, and when he was questioned about the firearms by Officer Moore, he immediately claimed that his brother owned all the firearms. J.A. 75-76. However, as officers later discovered, Defendant had texted his brother, “[t]hey’re under the bed gun” before the search, letting his brother know where he hid the

weapons. J.A. 117. Even after both brothers were in custody, Defendant continued to talk about the firearms charges he faced. He asked Christopher to “take the gun charge,” and Christopher refused. J.A. 278, ¶ 13.

Furthermore, trial testimony and video from Defendant’s cellular device confirmed that Defendant in fact possessed the firearms. Defendant’s brother testified that he saw the defendant with the handgun “on him” regularly, and he also witnessed the transaction where Defendant obtained the guns from a narcotics supplier over a month before the probation officer’s sweep. J.A. 179-180. Additionally, when officers searched Defendant’s and his brother’s cellular devices, they found video which showed Defendant holding the AR-15 rifle in the front bedroom of the apartment. J.A. 192-93; *See* J.A. 123-125. In the video, Defendant was seen swinging the rifle and made threats, including that he would “send [his] little brother after you.” J.A. 204, J.A. 240. Christopher identified the weapon in the video as the AR-15 rifle seized by ATF agents during the search. J.A. 204. Because the government produced overwhelming evidence of Defendant’s guilt of possession of a firearm by a felon, the error was harmless and did not substantially alter the judgment.

Applicant Details

First Name	Albert
Last Name	Le
Citizenship Status	U. S. Citizen
Email Address	lealbert@pennlaw.upenn.edu
Address	<div> <div>Address</div> <div> <div>Street</div> <div>2722 Clover Meadow Court</div> <div>City</div> <div>San Jose</div> <div>State/Territory</div> <div>California</div> <div>Zip</div> <div>95135</div> </div> </div>
Contact Phone Number	4083070668

Applicant Education

BA/BS From	University of Minnesota-Twin Cities
Date of BA/BS	May 2019
JD/LLB From	University of Pennsylvania Carey Law School
	https://www.law.upenn.edu/careers/
Date of JD/LLB	May 15, 2024
Class Rank	School does not rank
Law Review/Journal	Yes
Journal(s)	Asian Law Review
Moot Court Experience	No

Bar Admission**Prior Judicial Experience**

Judicial Internships/ Externships	No
Post-graduate Judicial Law Clerk	No

Specialized Work Experience

Recommenders

Wang, Andrea
yanbai@law.upenn.edu
215-898-6765

deLisle, Jacques
jdelisle@law.upenn.edu
215-898-5781

Wilkinson-Ryan, Tess
twilkins@law.upenn.edu
215-746-3457

This applicant has certified that all data entered in this profile and any application documents are true and correct.

June 26, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Dear Judge Walker:

I am an incoming third-year law student at the University of Pennsylvania Carey Law School. I write to apply for a clerkship in your chambers starting in 2024.

As the son of Vietnam War immigrants, I am well positioned to provide unique insight into legal issues. My parents' experiences are the foundation for my resolve to join the legal profession. As a legal clerk, I hope to gain valuable skills that I can then use as a practitioner to better the lives of those in similar positions as my parents.

Please let me know if I can provide any additional information. I can be reached by phone at 408-307-0668 or by email at lealbert@pennlaw.upenn.edu. Thank you very much for considering my application.

Respectfully,
Albert Le
Candidate for Juris Doctor 2024

Albert Le

2722 Clover Meadow Court, San Jose, CA 95135
lealbert@pennlaw.upenn.edu · 408-307-0668

EDUCATION

University of Pennsylvania Carey Law School, Philadelphia, PA
J.D Candidate, May 2024
Honors: Associate Editor, *University of Pennsylvania Asian Law Review*

University of Minnesota, Minneapolis, MN
BA, Political Science, May 2019
GPA: 4.0

Activities/Awards:

- Collegiate Policy Debate (2016-2019)
- 2018 Hoosier Invitational Tournament Octofinalist (Open, Policy Debate)
- 2018 Crowe Warken Debates at Navy, Octofinalist (Open, Policy Debate)
- 2017 Northwest Fall Championship Semifinalist (Open, Policy Debate)
- 2017 Crowe Warken Debates at Navy, Semifinalist, 6th/44th Ranked Speaker (Novice, Policy Debate)
- 2016 American Debate Association Fall Championship Finalist (Novice, Policy Debate, 2nd Ranked Speaker in Entire Tournament)

EXPERIENCE

Gibson, Dunn & Crutcher, Palo Alto, CA May 2023 - Present
2L Summer Associate

- Assist attorneys in various legal fields: corporate, transactional, litigation

Winthrop & Weinstine, Minneapolis, MN May 2022 - July 2022
1L Summer Associate

- Assisted attorneys in various projects: food labeling litigation, meaning of commercial insolvency, property tax appeals, Supreme Court trends
- Split time at Wells Fargo, worked on immigration matters and safe deposit box law research

7Sage LSAT Prep Company, San Jose, CA Aug 2020 - Sep 2021
Independent LSAT Tutor

- Created and implement informative webinars on topics related to preparing for the LSAT, such as conditional logic and reading comprehension.
- Developed LSAT lesson plans and test-taking strategies based on individual tutee needs, goals, and testing time frame.
- Supported client load of 15-20 tutees by providing encouragement and anxiety management tips.

SKILLS & INTERESTS

- *Languages*: Vietnamese (fluent); American Sign Language (elementary)
- *Interests*: Travelling, cooking Vietnamese cuisine, online chess

Record of: Albert Le
Penn ID: 69245083
Date of Birth: 13-JUL
Date Issued: 19-MAY-2023

The University of Pennsylvania

U N O F F I C I A L Page: 1

Level:Law

Primary Program

Program: Juris Doctor
Division : Law
Major : Law

SUBJ NO.	COURSE TITLE	SH GRD	R	SUBJ NO.	COURSE TITLE	SH GRD	R
INSTITUTION CREDIT:				Institution Information continued:			
Fall 2021				LAW 6310	Evidence (Ferzan)	4.00 A-	
Law				LAW 6440	First Amendment (Wolff)	3.00 B+	
LAW 500	Civil Procedure (Wang) - Sec 3	4.00 A-		LAW 8320	Asian Law Review - Associate Editor	1.00 CR	I
LAW 502	Contracts (Hoffman) - Sec 3	4.00 B		LAW 9330	Litigating Across Borders (Wang)	3.00 A	
LAW 504	Torts (Delisle) - Sec 3A	4.00 A-		Ehrs: 14.00			
LAW 510	Legal Practice Skills (Gowen)	4.00 CR		Spring 2023			
LAW 512	Legal Practice Skills Cohort (Saylor)	0.00 CR		Law			
Ehrs: 16.00				LAW 5330	Privacy (Yoo/Steinfeld)	3.00 A	
Spring 2022				LAW 6220	Corporations (Knoll)	3.00 A-	
Law				LAW 6400	Federal Income Tax (Shuldiner)	4.00 A	
LAW 501	Constitutional Law (Kreimer) - Sec 3A	4.00 A		LAW 7130	Ethical Leadership for Lawyers (Wilkinson-Ryan)	1.00 CR	
LAW 503	Criminal Law (Ossei-Owusu) - Sec 3	4.00 A-		LAW 8130	Appellate Advocacy	1.00 CR	
LAW 510	Legal Practice Skills (Gowen)	2.00 CR		LAW 8320	Asian Law Review - Associate Editor	0.00 CR	I
LAW 512	Legal Practice Skills Cohort (Saylor)	0.00 CR		LAW 9340	Health Care Financing and Equity (Taliaferro)	3.00 A	
LAW 611	Consumer Law (Wilkinson-Ryan)	3.00 A		Ehrs: 15.00			
LAW 643	Chinese Law (Delisle)	3.00 A-		***** TRANSCRIPT TOTALS *****			
Ehrs: 16.00				Earned Hrs			
Fall 2022				TOTAL INSTITUTION 61.00			
Law				TOTAL TRANSFER 0.00			
LAW 6010	Administrative Law (Wiener)	3.00 A-		OVERALL 61.00			
***** CONTINUED ON NEXT COLUMN *****				***** END OF TRANSCRIPT *****			

UNIVERSITY OF PENNSYLVANIA CAREY LAW SCHOOL

June 26, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Re: Clerkship Applicant Albert Le

Dear Judge Walker:

I write to recommend Albert Le for a clerkship in your chambers. I have taught Albert in two classes—civil procedure as a 1L and a seminar on Litigating Across Borders as a 2L. In both of these classes, he distinguished himself through his hard work and mastery of the materials. It has been a pleasure having him in my classes and I hope to have the opportunity to teach him again.

I first met Albert in my civil procedure class. I was impressed by his preparation for each class meeting, the knowledge he demonstrated during cold calls, and the care he took in understanding the nuances of procedural law. He often came to office hours to ask about details that I had not covered in class because I considered them too in the weeds for a 1L. He ultimately received a A- in my class, which is particularly notable given the unusually large class of over a hundred students that semester.

This fall, I had Albert in my seminar on Litigating Across Borders. He made an even stronger impression in this small group setting. The seminar had a heavy reading load and rapidly covered complex materials about dispute resolution in U.S. and Chinese courts, as well as the conceptual and practical implications of litigation across multiple legal systems. While not all the students were able to keep up with the reading, Albert came to every class ready to discuss the topic at hand. He has a remarkable ability to hold a great deal of information in his mind at once and to tie them together.

I was especially struck by his final paper on conducting cross-border discovery and compliance with the European Union's General Data Protection regulation (GDPR). The topic is fast-moving, having had changes in recent years that are not fully understood even by practitioners focused on the field. The confluence of discovery and the GDPR is a labyrinth of rules and laws that include the GDPR's provisions that seek to harmonize data protection across E.U. member states, decisions by the European Court of Justice, U.S. executive orders, as well as discovery and contract law. The paper was not just for our class, but was also for the benefit of a law firm partner who had expressed to Albert his interest in seeing his work product. Albert did a terrific job of synthesizing, analyzing, and providing practical recommendations on cross border discovery and privacy. I myself learned a great deal from his paper and his class presentation.

In sum, I am confident that Albert will make a wonderful clerk and has a promising career in private practice ahead. His diligence, keen interest, and analytical skills will undoubtedly be valuable in your chambers as well as at a law firm. If it's helpful to discuss further, please do not hesitate to contact me at yanbai@law.upenn.edu or at my cell phone at (650) 353 8162.

Sincerely,

Yanbai Andrea Wang
yanbai@law.upenn.edu
650-353-816

Andrea Wang - yanbai@law.upenn.edu - 215-898-6765

UNIVERSITY OF PENNSYLVANIA CAREY LAW SCHOOL

June 26, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Re: Clerkship Applicant Albert Le

Dear Judge Walker:

I write with enthusiasm to recommend Albert Le for a clerkship in your chambers. Albert was a student in two of my classes during his 1L year, including Torts and Chinese Law. I have also worked with Albert in his capacity as a member of the staff of Penn's Asian Law Review, a journal for which I serve as faculty advisor.

Albert did an excellent job in both Torts and Chinese Law. He earned a strong A- in both classes (both of which are subject to mandatory curves, which limit the percentage of A and A- grades below what they are in many other courses. Albert's exams in both classes were solidly in the upper reaches of the class. They showed a solid mastery of the subject matter an impressive ability both to perform doctrinal analysis and to address broader and deeper conceptual issues. The two courses also had very different exam formats. Thus, Albert performed impressively across a wide range of formats, ranging from conventional issue spotters to open-ended essays and from time-limited in-class exam to word-limited take-away exam.

Albert was also very impressive in class discussion. He was always very well-prepared. He asked useful clarifying questions and made insightful points. In the torts class of approximately forty students, I use a cold call, Socratic method. Albert was always ready and able to answer. He was one of a handful of students whom I knew I could call on when the discussion in class hit a wall. He also frequently volunteered comments. His interventions were unfailingly on point and useful. They were never derailing or showboating.

In both classes, my strongest impression of him was that he is a serious and focused student who is dedicated to getting both the main points and the details right.

His approach to his work on the journal is similar. He takes it seriously and performs it carefully and well. He showed great maturity in dealing with a difficult controversy that arose with a problematic article that the journal had accepted.

As the foregoing, I trust, suggests, Albert has the intellectual skills, work habits, and temperament to be an excellent clerk. I believe he also would be a very congenial colleague for his fellow clerks. He is impressively even tempered and kind. He engages seriously with what other students say.

Sincerely,

Jacques deLisle
Stephen A. Cozen Professor of Law
Professor of Political Science
Director, Center for the Study of Contemporary China
Tel.: (215) 898-5781
E-mail: jdelisle@law.upenn.edu

Jacques deLisle - jdelisle@law.upenn.edu - 215-898-5781

UNIVERSITY OF PENNSYLVANIA CAREY LAW SCHOOL

June 26, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

Re: Clerkship Applicant Albert Le

Dear Judge Walker:

I am writing on behalf of Albert Le, a clerkship applicant and a former student at Penn Carey Law. Albert is a smart, thoughtful student and it has been a pleasure to have him in class.

I first met Albert when he took my Consumer Law course in the spring of 2022. It was an unusually large class with 90 students, but Albert connected with me early in the semester and became a regular in my office hours. He wrote a fantastic final exam that picked up on some unusually subtle issues in the application of the Magnuson-Moss Warranty Act. He also wrote a policy-oriented essay on credit discrimination in student loans for for-profit colleges and trade programs, which showed that he had grappled with some deep normative issues in the student loan context. To get a sense of his writing, here is an excerpt from his reasoned consideration of a proposed ban on student loans for for-profit attendees:

The strongest argument against [banning for-profit student loans] is that it negatively affects students' ability to obtain loans to further their education goals, and climb up the social ladder. There is a strong parallel with the payday loan area. Given that payday loan borrowers and for profit attendees are usually female and don't have access to mainstream sources of credit, to ban a source of credit would hurt their ability to participate in the economy (and perhaps perpetuate their disadvantaged situation). Additionally, there is another argument that without the mainstream credit, these borrowers might resort to even worse sources of borrowing, like abusive loan sharks.

What I liked about this answer is that Albert's essay actually came down on the other side; on balance, he thought that a bank's proposal to refuse loans for for-profit education was reasonable. But he really engaged with the strongest arguments for the opposite case, laying them out and taking them seriously. Overall, his essay was also notable for engaging with a range of readings from the course, not just the caselaw. This spring, I also taught Albert in my Ethical Leadership for Lawyers course, a one-credit class on the social science of management and leadership. He was a great participant in a range of small group discussions and activities.

As a clerk, I expect Albert to be attentive, thorough, and insightful. He is not afraid to ask follow-up questions or dig in to make sure he gets things right. He is a hard worker and he has a curious mind, and I look forward to seeing the next steps in his career.

Sincerely,

Tess Wilkinson-Ryan
Professor of Law
Tel.: (215) 746-3457
E-mail: twilkins@law.upenn.edu

Tess Wilkinson-Ryan - twilkins@law.upenn.edu - 215-746-3457

1

Albert Le
2722 Clover Meadow Ct.
San Jose, CA 95135
lealbert@pennlaw.upenn.edu
(408)-307-0668

WRITING SAMPLE

The attached writing sample is an excerpt of a legal brief I prepared for my Appellate Advocacy Competition (Keedy Cup) course in the spring of 2023. The brief is a merit brief, filed on Writ of Certiorari to the Pennsylvania Supreme Court's decision in Mallory v. Norfolk. I represented the respondent, Norfolk Southern Railway Co., in arguing that the Due Process Clause of the Fourteenth Amendment prohibits a state from requiring a corporation to consent to personal jurisdiction to do business in the state. This writing sample is solely edited by me.

SUMMARY OF THE ARGUMENT

The Due Process Clause of the Fourteenth Amendment prohibits a state from requiring a corporation to consent to personal jurisdiction to do business in the state. Our jurisprudence has determined that due process reflects values of interstate federalism and fairness. See Ford Motor Co. v. Montana Eighth Jud. Dist. Ct., 141 S.Ct. 1017, 1024 (2021) (explaining that the rules of specific and general jurisdiction “reflect two sets of values – treating defendants fairly and protecting interstate federalism.”). When viewed under these lenses, a requirement of consent to general personal jurisdiction in order to do business runs counter to both values.

First, a requirement of consent to general personal jurisdiction violates the Due Process Clause as a notion of interstate federalism. The notion of interstate federalism requires the consideration of the interests of the forum state in which the suit is brought, and the sister states. Bristol-Myers Squibb Co. v. Superior Ct. of California, San Francisco Cnty., 137 S.Ct. 1773, 1780-81 (2017) (“The sovereignty of each State...implies a limitation on the sovereignty of all of its sister States.”) (quoting World-Wide Volkswagen v. Woodson, 444 U.S. 286, 297 (1980)). Allowing a state to require consent to personal jurisdiction as a condition to doing business violates interstate federalism as the interests of the forum state are outweighed by the interests of the sister states.

Second, a requirement of consent to general personal jurisdiction violates the Due Process Clause as a notion of fairness. In the context of personal jurisdiction, fairness requires a balancing of three factors: 1) predictability, 2) reciprocity; and 3) inconvenience to the defendant. See generally Carol R. Andrews, Another Look at General Personal Jurisdiction, 47 Wake Forest L. Rev. 999, 1001 (2012) (detailing the fairness components of personal jurisdiction). A requirement to consent to general personal jurisdiction violates predictability by vastly expanding the number of forum a suit can be brought, along with the various substantive laws that would apply. The potential possibilities of forum shopping would be devastating to the judicial system. Reciprocity is violated because the burdens of general personal jurisdiction outweigh the benefits brought by corporate registration. A requirement of consent to general personal jurisdiction creates massive litigation inconvenience to the defendant, to the point where fairness is violated.

As the petitioner has argued, due process rights such as personal jurisdiction can be waived by defendants. Insurance Corp. of Ireland v. Compagnie des Bauxites de Guinee, 456 U.S. 694, 704 (1982). However, for consent to be deemed satisfactory to waive due process rights, consent must be knowing and voluntary. See Wellness Int'l Network, Ltd. v. Sharif, 575 U.S. 665-68 (2015).

Where consent is deemed satisfied based on a corporate registration statute, such consent is not knowing. All but one of the fifty corporate registration statutes are silent on the jurisdictional effects of registering to do business, which means

corporations do not know the consequences of registering to do business. Monestier, supra, at 1387. In addition, consent in the corporate registration context is not voluntary, as the corporation is faced with a Hobson's choice. App., at 54a.

Lastly, consent is not deemed satisfactory when viewed under the lens of the unconstitutional conditions doctrine. There are four frameworks in which this Court has evaluated a condition under the unconstitutional conditions doctrine: 1) greater than lesser power, 2) germaneness, 3) offer/threat, and the 4) tri-baseline framework. See generally, Edward J. Fuhr, The Doctrine of Unconstitutional Conditions and the First Amendment, 39 Case Western Reserve L. Rev., 97, 105-11 (1989) (listing three possible frameworks). Consenting to personal jurisdiction as a condition of doing business violates all four frameworks. In conclusion, petitioner cannot plausibly argue that a corporation has waived its due process rights when it registers to do business. Therefore, a requirement that a corporation consent to general personal jurisdiction as a condition to doing business is unconstitutional under the Due Process Clause of the Fourteenth Amendment.

ARGUMENT

I. Requiring a corporation to consent to general personal jurisdiction to do business in a state violates the Due Process Clause under the lens of interstate federalism.

A. Interstate federalism is one of two values underlying the Due Process Clause.

i. Interstate federalism as a value of due process has been recently affirmed by this Court.

One component of due process is interstate federalism. Recently, this Court recognized that the Due Process Clause is an instrument of interstate federalism. Bristol-Myers Squibb Co. v. Superior Ct. of California, San Francisco Cnty., 137 S.Ct. 1773, 1776 (2017). Indeed, this Court explained that restrictions on personal jurisdiction “are a consequence of territorial limitations on the power of the respective States.” Id. at 1780 (citing Hanson v. Denckla, 357 U.S. 235, 251 (1958)). This Court has recently affirmed that principles of interstate federalism are embodied in the Constitution, and must be considered in determining whether personal jurisdiction satisfies due process. See World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286, 294 (1980).

ii. Interstate federalism has historically been embedded within the notion of due process.

Before the ratification of the Fourteenth Amendment, this Court has recognized that personal jurisdiction of non-resident corporations must not be “inconsistent with those rules of public law which

secure the jurisdiction and authority of each state from encroachment by all others...” Lafayette Ins. Co. v. French, 59 U.S. 404, 407 (1855). Cases in which personal jurisdiction was allowed upon a non-resident corporation that appointed an agent in the forum state was limited to cases in which the suit arose out of the non-resident corporation’s in-state activities. See id. at 406-09 (conferring personal jurisdiction over a non-resident corporation because the insurance contract formation and breach occurred in the forum); St. Clair v. Cox, 106 U.S. 350, 356 (1882) (“The state may, therefore, impose as a condition upon which a foreign corporation shall be permitted to do business ... that it shall stipulate that in any litigation arising out of its transactions in the state, it will accept as sufficient the service of process on its agents...”). These early cases illustrate that the Court adhered to the principle that a state could exercise personal jurisdiction over a foreign corporation for causes of action arising from its activities within the state. See generally Matthew Kipp, Inferring Express Consent: The Paradox of Permitting Registration Statutes to Confer General Jurisdiction, 9 Rev. Litig., 1, 15 (1990).

Before Pennsylvania Fire, the Court never suggested that a nonresident corporation could consent to personal jurisdiction through registration for claims unrelated to the corporation’s in-state activities. See Charles W. Rhodes, Nineteenth Century Personal Jurisdiction Doctrine in a Twenty-First Century World, 64 Fla. L. Rev. 387, 443 (2012). Such personal jurisdiction runs against federalism and the state’s sovereign interest. See id. at 443-44 (“The state has no sovereign interest in regulating conduct without any connection to the

corporation's activities.”). In conclusion, interstate federalism is a crucial component of the Due Process Clause, and the respective interests of the forum and sister states must be considered.

- B. Requiring a corporation to consent to general personal jurisdiction runs counter to interstate federalism as the interests of the forum state are inadequate, and the interests of the sister state outweighs.
- i. The interests of Pennsylvania – the forum state - are inadequate.

Forum states have inadequate interests to support personal jurisdiction by corporate registration upon a non-resident defendant. The most important justification for exercising personal jurisdiction over a nonresident defendant is “providing its residents with a convenient forum for redressing injuries inflicted by out of state actors.” Burger King Corp. v. Rudzewicz, 471 U.S. 462, 473 (1985) (citation omitted).

Consider the situation presented here. Norfolk’s principal place of business is in Virginia. App., at 12a. Petitioner Mallory is a resident of Virginia. Id. There is no allegation of occupational harms occurred in Pennsylvania. Id. Pennsylvania’s interest in allowing a convenient forum for its own residents is not served given that Mallory is not a Pennsylvania resident. In many cases, companies register to do business, but do not actually do so. See Kropschot Fin. Servs., Inc. v. Balboa Cap. Corp., No. 11 Civ. 8609 SAS, 2012 WL 1870697, at *1-*2 (S.D.N.Y. May 21, 2012) (observing that Balboa has no offices, bank accounts, property, or employees in

the forum state). As in Norfolk's case and many other businesses, the interests of the forum state would not be served as the state is not providing a forum for its own residents, and is potentially exercising jurisdiction over businesses that do not actively do business in the state. It stretches the imagination to see how residents of the forum state would have interests in the controversy where non-resident citizens are the ones using the forum, and where the business activities of the defendant corporation are so wholly unrelated to the forum state.

On the contrary, requiring consent to personal jurisdiction as a condition of doing business would actively run counter to the interests of the forum states. This Court has recognized that the public interests of the forum state would not be served when citizens of the forum state are burdened with jury duty regarding cases with little connection to the controversy. Piper Aircraft Co. v. Reyno, 454 U.S. 235, 243-44 (1981). In this case, Pennsylvania has little connection with the dispute at issue, and conferring general personal jurisdiction based on mere corporation registration would burden the citizens of Pennsylvania. See App., at 45a (observing that there is no connection between the case and Pennsylvania). Additionally, the interests of the forum state would not be served where evidentiary concerns would make "trial... hopelessly complex and confusing for a jury." Piper, 454 U.S. at 243. In Piper, both the witnesses and the relevant evidence were more easily obtainable in an alternative forum, and this Court concluded the potential costs with having the case tried in Pennsylvania (as opposed to

Scotland) would run against the interests of Pennsylvania. Id.

Permitting consent to personal jurisdiction as a requirement to do business would yield similar concerns. In this case, all the harms allegedly occurred outside of Pennsylvania, which would mean the costs of obtaining the witnesses and relevant evidence would run counter to the interests of Pennsylvania. In addition, it would be more confusing to try the case in Pennsylvania, given that the relevant laws are those of Virginia. The forum state might choose to apply the law of its sister state, in which case the trial would be more time confusing given the judge is more acquainted with the law of its own state. Alternatively, the forum state could apply the law of its own state, in which case the sovereignty of the sister state is threatened. In either situation, the result is undesirable.

- ii. The interests in having the dispute tried in Virginia outweigh the interests of Pennsylvania.

As stated previously, states have a considerable interest in providing a convenient forum for their own residents. Burger King, 471 U.S. at 473. The harms potentially occurred while petitioner was employed in Virginia, and petitioner is a resident of Virginia. App., at 12a. This vindicates Virginia's own interest in having the dispute litigated there, in order to provide Mallory with a convenient forum for litigation. Second, with some of the relevant evidence and witnesses located in Virginia, this alleviates inconvenience concerns as well. Lastly, as Norfolk's principal place of business and incorporation is in Virginia, with substantial business activities, this connection both

substantiates Virginia's interest in having its laws apply to its own businesses, and ensures that the citizens of Virginia are not burdened with jury duty.

Fundamentally, laws are enacted through the political processes of respective states. Laws embody the choices made by citizens when they vote for their representatives. This Court has recognized that citizen participation in the democratic process of voting is a significant interest. Crawford v. Marion Cnty. Election Bd., 553 U.S. 181, 197 (2008). In petitioner's case, the relevant laws are Virginia laws that embody the policy choices of Virginia citizens. Virginia citizens, rather than Pennsylvania citizens, have much stronger interests in applying Virginia laws. This Court should allow Virginia citizens to apply their own laws, in order to effectuate their participation in the democratic process. Virginia citizens are much more equipped to apply their own laws, given they made the relevant policy choices when voting for representatives who enacted them. To allow Pennsylvania to either interpret Virginia's laws or apply its own laws would intrude upon due process and the accompanying principle of interstate federalism.

II. Requiring a corporation to consent to general personal jurisdiction to do business in a state violates the Due Process Clause under the lens of fairness.

- A. Fairness is one of two values underlying the Due Process Clause.

In addition to interstate federalism, determining whether personal jurisdiction comports with due process requires a consideration of fairness

to the defendant. See Ford Motor Co. v. Montana Eighth Jud. Dist. Ct., 141 S.Ct. 1017, 1024 (2021) (explaining that the rules of specific and general jurisdiction “reflect two sets of values – treating defendants fairly and protecting interstate federalism.”); Perkins v. Benguet Consolidated Mining Co., 342 U.S. at 445 (“The essence of the issue here, at the constitutional level, is a like one of general fairness to the [defendant]”); Andrews, supra, at 1016 (“Fairness is the fundamental aim of personal jurisdiction analysis.”). The consideration of fairness to the defendant arose out of the seminal case of Int’l Shoe Co. v. Washington, 326 U.S. 310, 317 (1945), in which the Court held that due process requires that the maintenance of the suit does not offend “traditional notions of fair play and substantial justice.” This Court has set forth values which embody what it means for due process to comport with fairness to the defendant. In particular, fairness to the defendant requires a consideration of three factors: 1) predictability for the defendant in knowing where they will be haled into court, 2) reciprocity between the benefits and burdens of acting within a state; and 3) the litigation inconvenience to the defendant. Requiring a corporation to consent to personal jurisdiction as a condition to doing business violates all three fairness concerns, and therefore violates due process. See generally Andrews, supra, at 1001 (explaining the fairness components of personal jurisdiction).

- B. Requiring a corporation to consent to general personal jurisdiction violates the predictability component of fairness.
 - i. Predictability is a crucial component of fairness.

Predictability is a crucial component of fairness. See Andrews, supra, at 1001 (2012) (proposing that predictability be considered when looking at fairness in regards to general personal jurisdiction); Lee Scott Taylor, Registration Statutes, Personal Jurisdiction, and the Problem of Predictability, 103 Colum. L. Rev. 1163, 1193 (2003) (arguing that the nature of the specific harm of multiple jurisdictions is that of unpredictability). This Court has recognized that the Due Process Clause must give some level of predictability to allow “potential defendants to structure their primary conduct with some minimum assurance as to where that conduct will...render them liable to suit.” Burger King, 471 U.S. at 472 (citation omitted). The defendant should reasonably anticipate being haled into court. Id. at 474. While Burger King dealt with specific jurisdiction, this Court has recently infused notions of predictability as part of the general jurisdiction analysis. See Alan M. Trammell, A Tale of Two Jurisdictions, 68 Vand. L. Rev. 501, 524 (2015) (“Goodyear and Daimler vindicate a distinct vision of personal jurisdiction: courts may not exercise their adjudicative power in arbitrary ways.”).

This Court has conferred general jurisdiction to those places where the defendant is “at home” because such locations allow for a defendant to see where they may be haled into court. Daimler AG v. Bauman, 571 U.S. at 137 (2014) (quoting Hertz Corp. v. Friend, 559 U.S. 77, 94 (2010) (“Simple jurisdictional rules...promote greater predictability.”)). This Court has “declined to stretch general jurisdiction beyond [the place of incorporation or principal place of business].” Daimler, 571 U.S. at 132. Where an exception has been recognized, such as in Perkins, the Court has stated that the decision was one based on

“exceptional facts.” Daimler, 571 U.S. at 129 n.8. This Court has stated it will extend general jurisdiction not merely to locations where the defendant’s contacts are continuous and systematic, but also those affiliations must be **so** continuous and systematic as to render the corporation essentially at home. Id. at 138-39.

- ii. Consent to general jurisdiction based on corporate registration is not predictable when comparing to this Court’s traditionally recognized locations where a corporation is “at home.”

To allow for general jurisdiction merely on the basis of corporate registration would conflict with predictability. Corporate registration does not fit into those categories traditionally defined as conferring general jurisdiction. Those traditional categories are those where the corporation is “at home”: its principal place of business or place of incorporation. Daimler, 571 U.S. at 132-37. All fifty states have the same laws requiring registration. Monestier, supra, at 1390. Given that a corporation can typically register to do business in more than one state and in any state, a corporation would be subject to general jurisdiction beyond its principal place of business or place of incorporation. Realistically, a corporation could be subject to general jurisdiction in all fifty states. As a policy matter, this resulting lack of predictability would not only be inefficient for business operations, but subsequently detrimental to the common good. Genuine Parts Co. v. Cepec, 137 A.3d 123, 143 (Del. 2016). This multiplication of jurisdictional possibilities reduces predictability and is an independent cognizable harm. Taylor, supra, at 1193. In this case, no corporation could reasonably

anticipate where they would be haled into court, as general jurisdiction could increase the potential forum to all fifty states. See App. at 54a (“If Pennsylvania’s legislative mandate of consent by registration satisfied due process...all states could enact it, rendering every national corporation subject to the general jurisdiction of every state.”).

- iii. This Court should not extend corporate registration to confer general jurisdiction based on the Perkins exception.

In Daimler, the Court recognized that general jurisdiction was only allowed in Perkins as an “exceptional case,” where the corporation’s operations were so substantial and of such a nature as to essentially be “at home.” Daimler, 571 U.S. at 139 n.19. Corporation registration does not rise to that level. Indeed, general jurisdiction based on corporate registration would reach any corporation that registered to do business, regardless of whether business was actually conducted. Monestier, supra, at 1405. Encompassing corporate registration within general jurisdiction would allow for general jurisdiction even where the corporation’s operations are precisely the opposite of substantial.

In Daimler, the Court recognized that Daimler’s corporate activities in California were “sizable,” yet still declined to extend general jurisdiction to California. Id. at 139. The Court reasoned this extension would mean Daimler would be subject to general jurisdiction in every single state in which the sales were sizable, resulting in unpredictability. Id. Allowing general jurisdiction for mere corporate registration would reach an even more unfair result,

given corporations do not have to conduct “sizable” business or really any business at all.

In Perkins, the Court extended general jurisdiction beyond the corporation’s principal place of business or place of incorporation. Id. at 438. This Court observed that the President of the corporation maintained an office in Ohio, conducted administrative duties from that office, and directed future operations from that office. Id. at 447-48. In contrast, a corporation could register to do business in a state, while maintaining no contacts in that state at all. Monestier, supra, at 1405. The Perkins exception for general jurisdiction should not be extended to corporate registration.

- iv. Forum shopping would be rampant, and violate fairness through creating unpredictable application of laws.

Conferring general jurisdiction upon mere corporate registration would create unpredictable and unfair substantive changes through forum shopping. If corporate registration were a sufficient basis to do business, plaintiffs can easily locate a forum that will be most favorable to them. Monestier, supra, at 1409-10. In the context of corporate registration, of particular concern is where a statute of limitations period has run out in the state in which the harm occurred, only for the plaintiff to locate any other forum in which the statute of limitations has not expired. See generally Monestier, supra, at 1411 (citing Cowan v. Ford Motor Co., 694 F.2d 104, 105 (5th Cir. 1982) as the poster child for forum shopping)). Consider the petitioner’s case. It should come as no surprise that Mallory filed suit in Pennsylvania, even though juries might be more

favorable to Mallory in Virginia, given his status as a Virginia resident. Pennsylvania has been described as a “litigation magnet,” with large numbers of plaintiffs willing to give up home field to take advantage of favorable laws. Mark A. Behrens & Cary Silverman, Litigation Tourism in Pennsylvania, 22 Widener L. J. 29, 35-37 (2012).

Applicant Details

First Name **Won**
 Middle Initial **S**
 Last Name **Lee**
 Citizenship Status **U. S. Citizen**
 Email Address won.lee@wustl.edu
 Address

Address**Street****12847 Daylight Drive APT 1217****City****Saint Louis****State/Territory****Missouri****Zip****63131****Country****United States**

Contact Phone
 Number **9095417652**

Applicant Education

BA/BS From **University of Southern California**
 Date of BA/BS **May 2012**
 JD/LLB From **Washington University School of Law**
http://www.nalplawsonline.org/ndlsdir_search_results.asp?lscd=42604&yr=2014
 Date of JD/LLB **May 15, 2023**
 Class Rank **I am not ranked**
 Does the law
 school have a Law **Yes**
 Review/Journal?
 Law Review/
 Journal **No**
 Moot Court
 Experience **No**

Bar Admission

Prior Judicial Experience

Judicial Internships/Externships	Yes
Post-graduate Judicial Law Clerk	No

Specialized Work Experience

Recommenders

Osgood, Russell
rosgood@wustl.edu
D'Onfro, Danielle
donfro@wustl.edu
Tokarz, Karen
tokarz@wustl.edu
314-935-6414

This applicant has certified that all data entered in this profile and any application documents are true and correct.

Won Lee
12847 Daylight Dr. Apt. 1217
St. Louis, Missouri 63131
(909) 541-7652
won.lee@wustl.edu

April 25, 2023

The Honorable Jamar K. Walker
U.S. District Court for the Eastern District of Virginia

Dear Judge Walker:

I am writing to apply for a clerkship in your chambers beginning in 2024 or for your next available position. I am currently a third-year law student at Washington University School of Law. I have been offered a position as an litigation associate at Husch Blackwell's Saint Louis office.

Prior to starting at Washington University School of Law, I received a Master's Degree at University of Chicago in International Relations. Afterwards, I served as a surface warfare officer in the United States Navy. I remain in the United States Navy Reserve while in law school. After completing 1L, I was mobilized which required me to take a leave of absence from law school for one full year. Since my return, I have interned at Legal Services of Eastern Missouri and am currently completing an externship with Magistrate Judge Gilbert Sison at the U.S. District Court for the Southern District of Illinois.

Enclosed please find my résumé, transcript, and writing sample. The writing sample is an order I completed during my work for Judge Sison. The following individuals are submitting letters of recommendation separately and welcome inquiries in the meantime.

Dean Russell Osgood
Washington University
School of Law
rosgood@wustl.edu
(314) 935-4042

Professor Danielle D'Onfro
Washington University
School of Law
donfro@wustl.edu
(314) 935-6404

Professor Karen Tokarz
Washington University
School of Law
tokarz@wustl.edu
(314) 935-6414

I welcome any opportunity to interview with you. Thank you very much for your time and consideration.

Sincerely,

/s/
Won Lee

Won Lee

(909) 541-7652 | won.lee@wustl.edu

EDUCATION

- | | |
|--|----------|
| Washington University in St. Louis , Juris Doctor | May 2023 |
| <ul style="list-style-type: none"> Dean's Leadership Award, Lewis "Red" Mills Veterans Scholar in Law | |
| University of Chicago , Master of Arts in International Relations | Aug 2013 |
| University of Southern California , Bachelor of Arts in International Relations | May 2012 |
| <ul style="list-style-type: none"> Phi Beta Kappa, Departmental Honors, <i>magna cum laude</i> | |

SELECTED EXPERIENCE

- | | |
|---|---|
| United States Navy Reserve | Oct 2018 – Present |
| Surface Warfare Officer, Navy Reserve Center Saint Louis
Bridgeton, MO | |
| <ul style="list-style-type: none"> Amphibious Operations Officer and Staff Material Officer for NR Expeditionary Strike Group Seven Served as Battle Watch Captain at the Task Force 76 and 3rd Marine Expeditionary Brigade joint HQ | |
| Washington University School of Law | Aug 2021 – May 2023 |
| Research Assistant, Professor John D. Inazu
Saint Louis, MO | |
| <ul style="list-style-type: none"> Conducted legal, academic, and open source research on advanced topics in the First Amendment jurisprudence Edited and provided substantive feedback on scholarly articles, periodicals, essays, and other various publications | |
| U.S. District Court for the Southern District of Illinois | Jan – May 2023 |
| Judicial Extern, Magistrate Judge Gilbert C. Sison
East Saint Louis, IL | |
| <ul style="list-style-type: none"> Observed judicial proceedings, hearings, and bench and jury trials in various levels of federal and state courts Analyzed court documents and researched legal issues to draft of judgments, decisions, and orders for the judge | |
| Husch Blackwell, LLP | Jul – Aug 2020 / May – Jul 2022 |
| Summer Associate, Saint Louis Office
Clayton, MO | |
| <ul style="list-style-type: none"> Produced substantive work products by researching complex legal issues working closed with licensed attorneys Attended meetings, trainings, and business functions in various practice specialty centers and strategic business units | |
| Legal Services of Eastern Missouri | Aug – Dec 2021 |
| Clinic Intern, Education Justice Program
Saint Louis, MO | |
| <ul style="list-style-type: none"> Researched various legal issues in education law and drafted substantive work products and documents Participated in alternative dispute resolutions for pro se parties in court mediations under attorney supervision Performed fact investigations, client interviews, and case developments in support of legal representations | |
| United States Navy | Apr 2014 – Sep 2018 / Oct 2020 – Jul 2021 |
| Department Head, Destroyer Squadron 50
Manama, Bahrain | |
| <ul style="list-style-type: none"> Directed force protection plans for port visits, multilateral exercises, and distinguished visitors in high threat area Planned health protection measures and operational risk management for COVID-19 Operational Planning Team Executed tactical operations of IMSC Coalition Task Force Sentinel in the Middle East as the senior watch officer | |
| Assistant Department Head, Afloat Training Group West Pacific
Yokosuka, Japan | |
| <ul style="list-style-type: none"> Certified trainings of forward deployed ships in Seamanship, Navigation, Aviation, Medical, and Search and Rescue Taught English to Japanese Maritime Self Defense Force junior officers at the Second Maritime Service School Served as Strategic Operations Officer in CPX Key Resolve for UN Combined Forces Command in South Korea | |

MISCELLANEOUS

- Military Awards: Navy Commendation Medal w/ gold star, Navy Achievement Medal
- Foreign Languages: Korean (DLPT 3/3/3), Japanese (DLPT 2/2+)
- Volunteering: Service to School Law School Ambassador

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Washington University in St. Louis

Office of the University Registrar

Page 1 of 2

Record Of: **Lee, Won**

Degrees Awarded:

Student ID Number: 479148

JURIS DOCTOR

MAY 10, 2023

Transcript Issued 06/06/2023 To:

RECIPIENT AS DESIGNATED BY STUDENT

Fall Semester 2019

LEGAL RESEARCH METHODOLOGIES I	LAW	W74 500D	0	CIP
LEGAL PRACTICE I: OBJECTIVE ANALYSIS AND REASONING (DROBISH)	LAW	W74 500U	2.0	A-
CONTRACTS (P. SMITH)	LAW	W74 501A	4.0	A-
PROPERTY (BONI-SAENZ)	LAW	W74 507Y	4.0	B+
TORTS (ROZEMA)	LAW	W74 515L	4.0	B+

Enrolled Units 14.0 Semester GPA 3.55 Cumulative Units 14.0 Cumulative GPA 3.55

Spring Semester 2020

LEGAL RESEARCH METHODOLOGIES II	LAW	W74 500E	1.0	P
LEGAL PRACTICE II: ADVOCACY (DROBISH)	LAW	W74 500Z	2.0	CR
CRIMINAL LAW (OSGOOD)	LAW	W74 502D	4.0	CR
NEGOTIATION (HOLLANDER-BLUMOFF)	LAW	W74 503C	1.0	CR
CIVIL PROCEDURE (P. KIM)	LAW	W74 506G	4.0	CR
CONSTITUTIONAL LAW I (MAGARIAN)	LAW	W74 520L	4.0	CR

Enrolled Units 16.0 Semester GPA 0 Cumulative Units 30.0 Cumulative GPA 3.55

Fall Semester 2021

ETHICS AND PROFESSIONALISM IN THE PRACTICE OF LAW (PRATZEL)	LAW	W74 562C	2.0	A-
MEDIATION THEORY & PRACTICE (TOKARZ)	LAW	W74 578A	3.0	A-
SUPERVISED RESEARCH	LAW	W74 695	1.0	CR
CIVIL RIGHTS, COMMUNITY JUSTICE & MEDIATION CLINIC	LAW	W74 769E	6.0	HP
CIVIL RIGHTS & MEDIATION CLINIC - CREDIT (TOKARZ)	LAW	W74 769F	2.0	CR

Enrolled Units 14.0 Semester GPA 3.82 Cumulative Units 44.0 Cumulative GPA 3.67

Spring Semester 2022

INTERNATIONAL BUSINESS	MGT	B63 512	3.0	A-
INTERNATIONAL LAW (SADAT)	LAW	W74 553B	3.0	A-
COPYRIGHT & RELATED RIGHTS (COLLINS)	LAW	W74 643C	3.0	B
SUPERVISED RESEARCH	LAW	W74 695	2.0	CR
WAR, WAR CRIMES & CRIMES AGAINST HUMANITY SEMINAR (SADAT)	LAW	W76 737S	3.0	B+

Enrolled Units 14.0 Semester GPA 3.48 Cumulative Units 58.0 Cumulative GPA 3.62

Fall Semester 2022

CORPORATIONS (D'ONFRO)	LAW	W74 538U	3.0	A
TRUSTS & ESTATES (DAVIS)	LAW	W74 575P	3.0	A

Keri A. Disch, University Registrar

TO VERIFY: TRANSLUCENT GLOBE ICONS MUST BE VISIBLE WHEN HELD TOWARD A LIGHT SOURCE



Washington University in St. Louis

Office of the University Registrar

Page 2 of 2

Record Of: **Lee, Won**

Student ID Number: 479148

Fall Semester 2022

CHINESE LAW (LIN)	LAW	W74 582F	3.0	A
SUPERVISED RESEARCH	LAW	W74 695	2.0	CR
INTERNATIONAL CRIMINAL LAW (SADAT)	LAW	W74 713A	3.0	A-

Enrolled Units 14.0 Semester GPA 3.78 Cumulative Units 72.0 Cumulative GPA 3.66

Spring Semester 2023

LAW AND PSYCHOLOGY (HOLLANDER-BLUMOFF)	LAW	W74 550B	3.0	B+
SPEECH, PRESS, & THE CONSTITUTION (MAGARIAN)	LAW	W74 609M	3.0	A-
JUDICIAL CLERKSHIP EXTERNSHIP	LAW	W74 654E	3.0	CR
INTRODUCTION TO ENERGY LAW (PERRYMAN)	LAW	W74 691E	1.0	A
SUPERVISED RESEARCH	LAW	W74 695	1.0	CR
AMERICAN LEGAL HISTORY (RUSSELL)	LAW	W74 698D	3.0	B+

Enrolled Units 14.0 Semester GPA 3.53 Cumulative Units 86.0 Cumulative GPA 3.64

Remarks

- SP2020 SPECIAL NOTE: DURING THE SPRING OF 2020, A GLOBAL PANDEMIC REQUIRED SIGNIFICANT CHANGES TO COURSEWORK. UNUSUAL ENROLLMENT PATTERNS AND GRADES MAY REFLECT THE TUMULT OF THE TIME.
- FL2020 LEAVE OF ABSENCE MILITARY SERVICE
- FL2021 NOTE: SUPERVISED RESEARCH (PROF. INAZU): ADVANCED TOPICS IN THE FIRST AMENDMENT
- SP2022 FROM: OLIN BUSINESS SCHOOL LAW SCHOOL ELECTIVE 3.0 UNITS
- SP2022 NOTE: SUPERVISED RESEARCH (PROF. INAZU): ADVANCED TOPICS IN THE FIRST AMENDMENT
- FL2022 NOTE: SUPERVISED RESEARCH (PROF. INAZU): ADVANCED TOPICS IN THE FIRST AMENDMENT
- SP2023 NOTE: SUPERVISED RESEARCH (PROF. INAZU): ADVANCED TOPICS IN THE FIRST AMENDMENT

Distinctions, Prizes and Awards

- FL2021 DEAN'S LIST
- FL2022 DEAN'S LIST
- SP2023 DEAN'S LEADERSHIP AWARD

***** END OF TRANSCRIPT *****

Keri A. Disch
Keri A. Disch, University Registrar

TO VERIFY: TRANSLUCENT GLOBE ICONS MUST BE VISIBLE WHEN HELD TOWARD A LIGHT SOURCE

Washington University in St. Louis
SCHOOL OF LAW

March 17, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

RE: Recommendation for Won Lee

Dear Judge Walker:

I write with great enthusiasm to recommend Won Lee, a third-year student at Washington University School of Law, for a clerkship. I am the Dean and a Professor of Law at Washington University School of Law. Before coming to Washington University, I was the President of Grinnell College (1998-2010) and, before that, the Dean (1988-1998) and a faculty member (1980-1998) at Cornell Law School in Ithaca, New York.

I became acquainted with Won when I had him as a student in our substantive Criminal Law course (law crimes and defenses) in the spring of 2020. Mid-semester the global pandemic forced all classes online. In spite of the challenges, Won was an active and thoughtful participant in the class. His engagement with the class material was evident in the paper he wrote on the treatment of self-harm under UCMJ in US v. Caldwell for which he received an A+. Because of the unusual circumstance no final grade were given in this course.

Won is an officer in U.S. Navy reserve (the branch of the military in which I served). In fall of 2021 he was called to active duty for a year. Won returned to the Law School later. His passion and enthusiasm for the law, reflected in a consistently strong academic performance. Won is committed to continuing to serve the St. Louis region and intends to practice law as a civil litigator. I recommend Won without any reservations. He is diligent, smart, serious, and resilient. He is mature and would be a respectable and fine colleague to have in chambers.

If you would like more information about Won Lee, please give me a call on my cell at 641-821-3712.

Best,

/s/

Russell K. Osgood
Dean
Professor of Law

Washington University School of Law
One Brookings Drive, MSC 1120-250-258
St. Louis, MO 63130
(314) 935-6420

Russell Osgood - rosgood@wustl.edu

Washington University in St. Louis
SCHOOL OF LAW

March 24, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

RE: Recommendation for Won Lee

Dear Judge Walker:

I am writing to recommend my student, Won Lee, for a clerkship. Won is an outstanding and mature student who I am confident will excel in your chambers.

I had the pleasure of teaching Won in Corporations in the fall of 2022. Won was arguably the closest reader in the class of nearly 100: he was always ready for a cold-call and asked thoughtful questions along the way. Indeed, as I revise my notes for next year's class, a number of my revisions are to account for Won's questions!

Won was a frequent visitor to office hours where I was able to see that he is personable, organized, and curious. I was particularly impressed by the effort that he put into answering any question himself before bringing that question to me. It was not uncommon for him to have read and considered three or four sources before coming to me with a problem. I believe that this diligence alone is likely to make him an excellent clerk. I was not at all surprised to learn that Won wrote one of the strongest exams even though he did not enter class with any background in corporate finance or business.

As you will see on his resume, Won has spent years as an active-duty officer in the US Navy. Being committed to public service, he remained in the Navy Reserve during law school and was again called into active duty to support Operation Freedom's Sentinel after his 1L year. Completing this tour required Won to pause his studies and precluded him from participating in many extracurriculars, like a journal. Since returning to campus, Won has built connections to the legal community and is looking forward to life beyond law school.

In sum, Won will be a superb clerk. Please do not hesitate to be in touch if I can provide you with any additional information. Due to my travel schedule, the best way to reach me is by phone at 978-235-4906.

Best,

/s/

Danielle D'Onfro
Associate Professor of Law

Washington University School of Law
One Brookings Drive, MSC 1120-250-258
St. Louis, MO 63130
(314) 935-6420

Danielle D'Onfro - donfro@wustl.edu

Washington University in St. Louis
SCHOOL OF LAW

March 17, 2023

The Honorable Jamar Walker
Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510-1915

RE: Recommendation for Won Lee

Dear Judge Walker:

I am writing to recommend Won Lee, one of our top third-year law students, for a judicial clerkship in your chambers. He is a very engaging and bright person. He has an inquisitive mind and excellent written and oral advocacy skills.

As director of our Negotiation & Dispute Resolution Program, I first met Won in my first-year Negotiation course, in which he excelled in every respect. Later, he was a student in two of my upper-level courses, in which he also excelled.

Won was a student in my Civil Rights & Mediation Clinic in fall 2021. He was based at Legal Services of Eastern Missouri in the Education Justice Program. His work was top-notch and he went above and beyond the required number of hours. He also far exceeded the number of assignments of the other clinic students. He was always thorough in his work with great attention to detail and accuracy, and almost always ahead of schedule. According to his field supervisor, he was always the "first one in and the last one out" – even on Zoom.

Won performed similarly well in my Mediation course that semester, where I observed him in multiple negotiation and mediation settings. He is thoughtful, confident, and assertive, without being argumentative. He relates well to people from all walks of life. He has excellent communication and listening skills, and fits well into any setting.

In sum, I have no doubt Won would be an asset to your chambers. Won is a tad bit older and mature than the typical law student. He has a personal and professional commitment to the highest quality work and the highest ethical standards. He is extremely diligent, conscientious, and hardworking – and, he is a very nice guy.

Please feel free to contact me if you need further information.

Best,

/s/

Karen Tokarz
Charles Nagel Professor of Public Interest Law & Public Service
Director of the Negotiation & Dispute Resolution Program
Director of the Civil Rights & Community Justice Clinic

Washington University School of Law
One Brookings Drive, MSC 1120-250
St. Louis, MO 63130
(314) 935-6420

Karen Tokarz - tokarz@wustl.edu - 314-935-6414